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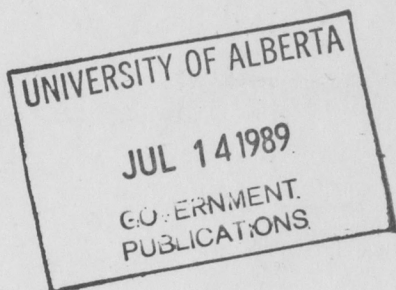
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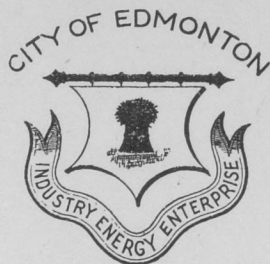
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THE EDMONTON CHARTER

(OFFICE CONSOLIDATION)

4164

CHAPTER 23

OF

The Statutes of Alberta, 1913 (First Session),
with amendments thereto up to and
including the year 1931

EDMONTON
The Douglas Printing Company, Limited
1931

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NOTE.—The words “number or votes” where they occur in the third last line of section 19, page 7, should read “number of votes.”
 Sec. 415A, page 139, insert the word “in” after the word “if” where it occurs in the first line of said section.

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THE EDMONTON CHARTER

(Office Consolidation, 1931)

Being Chapter 23 of the Statutes of Alberta, 1913 (First Session), Including Amendments up to the Year 1931. Office consolidation for reference only

WHEREAS a petition has been presented by the City of Edmonton praying for the consolidation of *The Edmonton Charter* with the amendments thereto and for the inclusion therein of the further amendments hereinafter contained;

And whereas it is reasonable that the prayer of the said petition should be granted;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

PART I.

PRELIMINARY.

1. This Act may be cited as "*The Edmonton Charter.*" Title
2. This Act shall come into operation upon being assented to. Commencement
3. In this Act the words— Interpretation
 - (1) "City" or "municipality" means the City of Edmonton, City Municipality as hereby incorporated.
 - (2) "Council" and "commissioners" means the municipal Council Council Commissioners and the commissioners respectively of the said city;
 - (3) "Elector" or "voter" means a person entitled to vote Elector Voter at municipal and school elections in the said city;
 - (4) "Burgess" means an elector who is such in respect of Burgess freehold property;
 - (5) "Owner" includes any person who has any right, title Owner or estate whatever or interest in land in the city other than that of a mere occupant;
 - (6) "Occupier" or "occupant" means any person who occupies any land in the city under any title whatsoever; Occupier Occupant
 - (7) "Resident" means a person having his fixed or per- Resident manent residence within the city;
 - (8) "Person" includes a corporation or partnership; Person
 - (9) "Assessor," "city clerk," "treasurer" means the persons Assessor who for the time being hold or occupy the offices of assessor, city clerk, and treasurer, as the case may be, of the City of Edmonton;

Special
franchise

(10) "Special franchise" shall mean every right, authority or permission, whether exclusive or otherwise, to construct, maintain or operate within the city, in, under, above, on, or through any highway, road, street, lane, square, public place or public water under the jurisdiction of the city, any poles, wires, rails, tracks, pipes, conduits, buildings, erections, structures or other things for the purpose of bridges, railways, tramways or for the purpose of conducting steam, heat, water, gas, natural gas, oil, electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water, heat, power, transportation, telegraphic, telephonic or other service;

Judge

(11) "Judge" means a judge of the Supreme Court of the Province of Alberta; and "court" or "Supreme Court" means the said court;

Land

(12) "Land" includes lands, tenements and hereditaments and any estate or interest therein or right or easement affecting the same, and also includes—

- (a) Land covered with water, and water thereon;
- (b) Trees, bushes, underwood, brush, and other natural products growing upon land, and also crops, sown or planted thereon;
- (c) Mines, minerals, gas, oil, salt, gravel, quarries and fossils in and under land; and
- (d) In case of special franchises, but in no other cases, machinery, fixtures, buildings, structures and other things existing, erected or placed upon, in, over, under or affixed to land, or any highway, road, street, lane, square or public place or water, but not the rolling stock of any railway or street railway.

Referred
by-law

(13) "Referred by-law" means a by-law referred to the vote of the burgesses and assented to by them, as provided by this Act.

Revised
assessment roll

(14) "Revised assessment roll" means the assessment roll of the city as finally adopted by the council.

Revised
voters' list

(15) "Revised voters' list" means the voters' list of the city or of any ward thereof as finally revised by the council.

Herein

(16) Wherever the word "herein" is used in any section of this Act, it shall be understood to relate to the whole Act, and not to that section only, unless the context otherwise requires.

Computation
of time

4. Where anything is required to be done on a day which falls on any holiday, such thing may be done on the next day which is not a holiday; but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the offices of mayor or aldermen.

5. Where in this Act a certain day is fixed on or by which certain things are to be done or proceedings taken, if it appears that such date was fixed having regard to an earlier date fixed, on or by which certain other things are to be done or proceedings taken, then notwithstanding anything herein contained, if default be made in respect of the earlier date, a like delay shall be allowed in respect of the later date. ^{Extension of time}

6. Where forms are in this Act prescribed, deviations there-Forms from not affecting the substance nor calculated to mislead, shall not vitiate the same, and forms to the like effect and in substantial compliance with the provisions of this Act shall suffice.

7. Where power to make by-laws, regulations, rules or orders is conferred, it shall, subject to the provisions of section 243 hereof, include the power to alter or revoke the same from time to time and make others. ^{Revocation and alteration}

PART II.

INCORPORATION, BOUNDARIES, ETC.

8. The inhabitants of the locality described as follows, that is to say: ^{Incorporation of city}

Commencing at the north-east corner of section twenty-three in township fifty-three in range twenty-four west of the fourth meridian; thence west along the north boundaries of said section twenty-three and of sections twenty-two, twenty-one, twenty and nineteen in said township and range and of sections twenty-four and twenty-three in township fifty-three in range twenty-five west of the fourth meridian to the north-west corner of the east half of said section twenty-three; thence south along the west boundaries of the east halves of sections twenty-three, fourteen, eleven and two in township fifty-three, range twenty-five, west of the fourth meridian and of sections thirty-five, twenty-six and twenty-three in township fifty-two in said range twenty-five, to the centre of the North Saskatchewan River; thence following the sinuosities of the centre line of the said river up stream to its intersection with the north boundary of section fourteen in said township fifty-two in range twenty-five; thence east along the north boundaries of sections fourteen and thirteen in said township fifty-two in range twenty-five, and sections eighteen, seventeen, sixteen and fifteen in township fifty-two in range twenty-four, to the north-east corner of said section fifteen; thence north along the east boundaries of sections fifteen, twenty-two, twenty-seven and thirty-four in township fifty-two in range twenty-four, and of river lot twenty-nine in the Edmonton Settlement and the production thereof to the centre of the North Saskatchewan River; thence following the sinuosities of the centre line of the ^{Boundaries}

Description
as boundaries
stand in 1931

said river down stream to its intersection with the east boundary of river lot thirty-four in the said Edmonton Settlement, produced south; thence north along said production and the east boundaries of said river lot thirty-four and sections fourteen and twenty-three in township fifty-three in range twenty-four to the point of commencement;

and such persons as shall hereafter become inhabitants of the said locality, are hereby declared to be a municipal corporation and body corporate under the name of "The City of Edmonton," with full power to acquire, hold and alienate both real and personal estate for all municipal purposes, and by the same name they and their successors shall have perpetual succession, and shall have power to sue and be liable to be sued, implead and be impleaded, answer and be answered unto in all courts and in all actions, causes and suits at law and in equity whatsoever; and they shall have a common seal, with power to alter and modify the same at pleasure; and they shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property, real or personal, for the use of the city, and of becoming parties to any contracts or agreements in the management of the affairs of the city.

(NOTE: Area added to city by Order in Council, see *Alberta Gazette*, January, 1914, certain portions separated, see Utility Orders No. 1532, 31st March, 1921, and No. 2025, dated 10th August, 1922.)

Corporation
powers vested
in Council

9. The powers of the said corporation shall be vested in and be exercised by the council of the city, subject to the provisions hereinafter contained as to commissioners.

Repeal of
previous law

10. Upon the coming into force of this Act, the several Ordinances, Statutes and enactments specified in schedule A to this Act shall be and are hereby repealed to the extents set forth in the third column of that schedule; and all other Acts and Ordinances inconsistent with this Act, in so far as they relate to the City of Edmonton, shall no longer apply to the said city; and where any matter or thing is provided for by this Act, the provisions of any other Act or Ordinance in relation thereto shall be deemed to be superseded so far as they relate to the said city:

Provided, however, that such repeal shall not be construed as depriving the city of any of its real or personal property or any part thereof, or as in any way affecting its existing rights therein or thereto, nor shall such repeal be deemed in any way to affect, modify or abrogate any by-laws, contracts, rights or property, or other rights and liabilities of, affecting or relating to the city now existing and in force, all of which are hereby saved and reserved entire unless otherwise provided in this Act; and until altered under the authority of this Act all by-laws now existing and in force in the city shall continue in operation:

Provided further that nothing herein contained shall affect the legality of any works undertaken or any proceedings begun, had or taken under the authority of and pursuant to any of the

Acts and Ordinances hereby repealed, but such works and proceedings may be continued and concluded under the authority of this Act notwithstanding such repeal.

11. Wherever two-thirds of the adult inhabitants who are householders of and in any territory adjacent to the city desire annexation thereto, and present a petition to that effect to the council, and if the council agrees to such annexation or any part thereof, the Lieutenant Governor in Council may by proclamation annex the said territory, or part thereof, to and make it part of the city, from and after such date and on such terms and conditions as the Lieutenant Governor in Council may provide; but no such annexation shall be made under this section except on condition that an area of at least five per cent. of the territory proposed to be annexed shall be contributed or allotted by the owners of the lands in such territory or by some of them to the city, to be used as public parks or open spaces or for such other civic purposes as the council may deem most expedient; and in the event of such owners failing to agree as to the area so to be contributed or allotted, the city may purchase such area from any part of the said territory, or may expropriate the same in accordance with the provisions of part X of this Act, and may charge and assess the price or compensation payable therefor against the whole of the owners of lands, in the said territory rateably in proportion to their several interests as appearing from the next ensuing assessment roll, and may collect the several amounts so charged and assessed in the same manner in all respects as the other municipal taxes.

12. The Lieutenant Governor in Council may upon the petition of the council of the city and after such inquiry as he may think fit, annex to and include within the city any territory adjacent thereto which from the proximity of streets or buildings or from the probable future exigencies of the city it may be deemed advisable to annex thereto or to include therein. Such annexation shall take effect on such date and on such terms and conditions as the Lieutenant Governor in Council may by proclamation provide.

13. The council, subject to the provisions of the Edmonton-Strathcona Amalgamation Act, may at any time and from time to time by a referred by-law, provide that the city shall be divided into wards, and that of the aldermen to be elected, a number not exceeding six shall be elected from each ward, and shall provide for the retirement of one or more at the expiration of one year and the remainder at the expiration of two years; or for the retirement of all either at the expiration of one year or two years; provided that the number of wards and the number of aldermen to be elected from each ward shall be such that the total number of aldermen to be elected shall be an even number. Such by-law shall take effect so as to be applicable to the then next ensuing election, and the

aldermen then in office shall hold office only until the new council so elected meets as hereinafter provided, notwithstanding that the term of office for which they were elected shall not have elapsed.

PART III.

GOVERNMENT OF THE CITY.

CITY COUNCIL.

Constitution
of council

14. The council of the city shall consist of the mayor, who shall be at the head thereof, and of such even number of aldermen, not less than ten, nor more than twenty, as the council by by-law shall determine.

Continuing
body

15. The council shall be deemed and considered to be always continuing notwithstanding any annual or other election of the members composing it; and after any such election and the organization of the council for the next year, it may take up and carry on to completion all proceedings commenced but not completed by the last year's council. Upon the coming into force of this Act the existing mayor and aldermen shall continue to hold office for the full terms for which they have been elected respectively, as if this Act had not been passed.

Mayor

16. The mayor shall be elected annually by a general vote of the electors of the city, in the manner hereinafter provided. He shall hold office for one year, but he may be re-elected.

Plebiscite on
electing mayor
from
councillors

16A. The council is hereby authorized to submit at any general Municipal election to the electors of the city qualified to vote thereat, the question of whether the mayor should be elected annually by the members of the council from their number. If at such plebiscite the majority of the valid ballots cast are in favour of the proposition the council may by by-law make all necessary provisions expedient to carry out the result of the plebiscite notwithstanding the said by-law may either expressly or by implication repeal any clauses or provisions of *The Edmonton Charter* and amendments thereto. And thereafter the number of aldermen to be elected shall be an odd number.

South side
representatives

17. The portion of the city south of the Saskatchewan River shall be represented in the council by such number of aldermen, elected by the votes of the electors of the whole city as herein defined, as shall bear to the total number of aldermen composing the council the proportion which the population of the portion of the city south of the Saskatchewan River bears to the population of the whole city, but in any event by not less than three aldermen exclusive of the mayor.

18. For the purpose of ascertaining the number of representatives to which the portion of the city south of the Saskatchewan River is entitled, a census shall be taken once in each year. In computing the number of aldermen, any fraction less than one-half shall be disregarded, and any fraction equal to or exceeding one-half shall be considered a whole unit. Annual Census

19. At each annual election of aldermen there shall be first declared elected the proper number of candidates to which the portion of the city South of the Saskatchewan River is entitled, under the terms hereof who reside and have more than one-half in assessed value of the property for which they are assessed in the City of Edmonton in that portion of the city South of the Saskatchewan River, who receive the highest number of votes; and there shall be declared elected a sufficient number of the remainder of the candidates having the highest number or votes to make up the number required to complete the council irrespective of their places of residence and of the situation of the property for which they are assessed. Aldermen

20. Subject to the provisions of the three immediately preceding sections, there shall be an annual election of aldermen, in manner hereinafter provided, one-half the number of aldermen retiring each year and others being elected in their place, but with right of re-election of all or any of the retiring aldermen. At the next ensuing election after the passing of this Act, of the aldermen representing that portion of the city South of the Saskatchewan River, two shall retire, and of the others three shall retire; and in like manner at the election to be held in the year 1914, of the aldermen representing that portion of the city south of the said river one shall retire, and of the others four shall retire, and so on in alternate years thereafter. The term for which an alderman shall be elected shall be in all cases two years. Rotation of aldermen

21. No person shall be eligible for election as mayor or alderman, unless he is a natural-born or naturalized subject of His Majesty, is a male of the full age of twenty-one years, is able to read and write the English language, is not subject to any disqualification under this Act, is resident within the city, and is at the time of the nomination owner of free-hold estate within the city of the value of \$500 over and above charges, liens and encumbrances affecting the same, and has his name on the last revised assessment roll, or who is assessed on the last revised assessment roll in respect of "business assessment" for \$500 or over, or who has paid during the then current year an income tax on \$500. or over. Persons eligible for election to council

22. No judge of any court of civil jurisdiction, no sheriff, no deputy sheriff, no gaoler, or keeper of any house of correction, no constable, assessor, auditor or other paid official of the city, no bailiff, no inspector of licenses, no person having by himself or his partner an interest in any contract with or on behalf of the city or being indebted to the city, no surety for any Persons not eligible for election

officer or employee of the city and no person who has been convicted of treason or felony, or who is at the time of the nomination, bankrupt or insolvent within the meaning of any insolvency Act in force in the province, shall be qualified to be a member of the council.

(2) No person shall be disqualified from being elected a member of the council by reason of his having a contract for the publication of any advertisement for the city in any public newspaper, or by reason of his being a shareholder in any incorporated company having dealings or contracts with the city, or by his having a lease of any property from the city; but no such leaseholder shall vote in the council on any question affecting any lease from the city, and no such shareholder on any question affecting such company.

Offices
of profit

23. It shall not be competent for the council to appoint any member of the council to any office or place of profit in their gift or disposal.

Indemnity
to members
of council

23a.—(1) There shall be paid to each member of the Council out of the current revenue of the city the sum of five dollars for each meeting of the council attended by him during his term of office and for each committee meeting so attended the sum of three dollars. Provided, however, that the total sum payable to any member shall not be greater than six hundred dollars during any year, nor more than fifty dollars during any month.

(2) This section shall not come into force until the same has been submitted to the electors of the city and has been approved by a majority of the electors voting on the question.

(3) The power of submission herein contained shall be a continuing power.

VACANCIES.

Resignations
from council

24. The mayor or any alderman may resign his seat in the council at any time by giving written notice to the city clerk, who shall bring the same to the notice of the council at its next meeting, and the said resignation shall take effect, and the seat shall become vacant upon the receipt of the said notice by the city clerk.

Forfeiture
of seat

25. If after the election of any person as a member of the council he is convicted of felony or becomes insolvent within the meaning of any insolvency Act in force in Alberta, or assigns his property for the benefit of his creditors, or absents himself from the meetings of the council for three consecutive months without being authorized so to do by a resolution of the council entered upon its minutes, his seat in the council shall *ipso facto* become vacant, and the council shall forthwith declare the seat vacant.

26. In the event of a member of the council forfeiting his seat at the council or his right thereto as before provided, or of his becoming disqualified to hold his seat or of his seat becoming vacant by disqualification or otherwise, he shall forthwith resign his seat, and in the event of his refusing or omitting to do so within ten days thereafter, proceedings may be taken to unseat him as hereinafter provided. Compulsory resignation

27. If a seat in the council becomes vacant by death, resignation or otherwise, an election to fill the vacancy shall forthwith be held in the manner as nearly as may be as other elections under this Act, and if the seat in the council of the mayor or an alderman whose term would not otherwise have expired at the end of the then current year become vacant after the first day of October in any year, then such vacancy may be filled by the election of a mayor or an extra alderman at the next general election, and the person obtaining the next highest number of votes after the regular number of aldermen or mayor and aldermen as the case may be, have been elected, shall be the person to fill such vacancy, and in such cases every elector shall be entitled to vote for one extra candidate for each vacancy to be filled, and in case no more candidates are nominated than the number required to be elected, the candidate last nominated shall be deemed to be elected to fill such vacancy. Casual vacancies

27A. The council may by by-law change the date for the election of mayor, aldermen and school trustees from the second Monday in December to a day in the second week in November, and may incidentally thereto alter the time between nomination and polling, and dates on which the advance poll provided for by section 124a shall be held; and may also by express enactment or by necessary implication repeal, alter or amend any clause or provision of the said Charter or amendments thereto it may consider advisable for the purpose of making the said Charter and amendments thereto and all times fixed thereby conform to the said altered polling date and make such change practicable and complete. Council may change date election

(2) The words "the second week in November" shall for the purposes of this section mean the consecutive seven days commencing with the eighth and ending with the fifteenth day of November.

27B. Notwithstanding the provisions of any statute, ordinance, by-law or the provisions of any constitution or other rule of organization of every board of managers or directors of corporations, associations or organizations to which the council has the power or right to appoint a representative or member, every such representative or member of the council who shall be absent from three consecutive meetings thereof shall (unless such absence shall be caused through illness or be authorized by a resolution of the board entered upon its minutes) *ipso facto* forfeit his office and another member shall be elected or appointed in his place for the remainder of his term of office, provided that the member so forfeiting his office shall be eligible for re-election or re-appointment. Vacancies on City Boards

MEETINGS OF COUNCIL.

First meeting **28.** The first meeting of the new council shall be held at the hour of two o'clock in the afternoon on the third day after the annual election, at which time the newly elected members of the council shall take the declarations of office hereinafter prescribed; and the old council shall hold office until the new council meets.

Meetings of Council **29.** The regular subsequent meetings of the council shall be held on such days as the council may fix and determine, whether by by-law or otherwise.

Open meetings **30.** The council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct, but the mayor or other person presiding at any meeting may cause to be expelled and excluded any person who has been guilty of improper conduct at such meeting.

Quorum **31.** A majority of the whole council shall be necessary to form a quorum.

MAYOR.

Duties **32.** The mayor shall be the chief executive officer of the city, and it shall be his duty to be vigilant and active in causing the laws governing the city to be duly executed, to inspect the conduct of all civic officers, and so far as in his power to cause all negligence, carelessness and violation of duty to be duly prosecuted and punished, and to communicate from time to time to the council all such information, and to recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornament and prosperity of the city.

Appointing special constables **33.** The mayor may at any time and from time to time by writing under his hand appoint and engage one or more special constables within the city for such time not exceeding fifteen days as shall be stated in the appointment. Such special constables shall for the time being form a part of the police force of the city.

Suspending officials **34.** The mayor may suspend any municipal officer, other than a commissioner of the city, and he shall thereupon report such suspension and the reasons therefor to the council who may either dismiss or reinstate the suspended officer; and in case he is dismissed, such officer shall receive no salary or remuneration from the date of such suspension, unless the council by resolution otherwise determine.

Presiding at meetings **35.** The mayor shall preside at all meetings of the council. He shall preserve order and enforce the rules of the council.

36. The council may at its first meeting and every three months thereafter from amongst its members appoint a deputy mayor, who shall hold office for three months and until his successor is appointed, and who in case the mayor through illness, absence, or any other cause is unable to perform the duties of his office, or in case his office is vacant, shall have all the powers of the mayor, and shall discharge his duties during such inability or vacancy. ^{Appointment of Deputy Mayor}

Provided always that the council may from time to time pass by-laws providing that the term of office of the deputy mayor may be any other period than three months.

(2) In case the deputy mayor through illness, absence or for any other cause, is unable or unwilling to perform the duties of his office, the council may appoint an acting mayor who shall for such time as the council shall determine have all the powers of the mayor and shall discharge his duties.

364. The mayor, deputy mayor or acting mayor shall be an *ex officio* member, but without voting power, of the Edmonton Hospital Board, the Board of Directors of the Edmonton Exhibition Association, and the Edmonton Board of Public Welfare. ^{Representation on City Boards}

37. If the person who ought to preside at any meeting of the council does not attend within fifteen minutes after the hour appointed for the meeting, the members of the council who are present may appoint a chairman, who shall during the meeting or absence of the person who ought to preside have the same authority as the absent person would have had. ^{Temporary Chairman}

38. The mayor or other officer presiding at any meeting of the council may vote with the other members on all questions except where he is disqualified to vote by reason of interest or otherwise, and (save as otherwise provided herein) any question upon which there is an equality of votes shall be deemed to be negatived. ^{Vote of Chairman}

39. The mayor may call special meetings of the council whenever he deems it expedient, and shall do so whenever requested in writing so to do by a majority of the council, and all members of the council shall be duly notified of the meeting at least twenty-four hours prior thereto and (in general terms) of the business to be transacted thereat. Such notice may be delivered personally or left at the usual place of business or residence of the member. ^{Special meetings}

40. If so requested at any time by the written petition of thirty electors, the mayor shall, by a printed public notice conspicuously posted at the city hall and in at least ten public places in the city, call a public meeting of the electors for the discussion of the municipal affairs of the city or of any matters relating thereto. ^{Public meeting}

Provided, however, that if in the opinion of the mayor the matter in respect of which a meeting is requested is not of general public importance or interest, he shall refer the petition to the council, and if the council, by a majority of not less than two-thirds of the members present, vote against the calling of such meeting, the same shall not be called.

COMMISSIONERS.

Duties and
powers

41. Subject to the legislative jurisdiction of the council there shall be vested in commissioners to be appointed as hereinafter provided, and to be called "The Commissioners of the City of Edmonton," a general executive jurisdiction over the affairs of the city, including the care, management and control of the police force, fire brigade and other public services, and of the public works, and utilities of the city, and of all property, works, improvements, roads, streets and other public places owned and controlled by the city or over which its jurisdiction extends, and such other powers and duties as may be delegated to them by the council.

Saving clause

(2) Nothing herein contained shall be construed to divest the council of its authority with reference to the providing of moneys required in respect of any matters under the jurisdiction and control of the commissioners, nor of the right of the council to demand further plans, specifications, information and particulars regarding any matter, and with power to the council to compel the carrying out of its instructions and reserving to the council the right to direct and control the administrative policy of the commissioners.

Jurisdiction
over Police

(3) All members of the police force of the city shall be appointed by and shall hold office at pleasure of the said commissioners, and shall be constables in and for the City of Edmonton so long as they are members of said police force.

Council may
assume power
of Com-
missioners

42. The council may by by-law, carried by a vote of not less than two-thirds of all the members of the council, at any time assume any of the powers, duties or works vested in the commissioners by the preceding section, and in such case all the rights, powers, authorities, immunities, duties and liabilities then belonging to the commissioners in respect of the matters so assumed shall be transferred to and be vested in the council.

Appointment

43. In addition to the mayor, who shall be *ex officio* a commissioner, there shall be one or more commissioners, who shall be appointed by and hold office during the pleasure of the majority of the whole council.

Provided, however, that it may be a condition of the engagement of any commissioner that he shall give the city three months' notice before retiring from office and that he shall not be dismissed without receiving three months' notice, except for good cause satisfactory to a two-thirds majority of the whole council.

44. The council shall fix the annual salary to be paid to ^{Salaries} each of the commissioners, including the mayor, and the salary so fixed shall not be decreased during the tenure of office of each commissioner.

(2) The council may also fix the salary or remuneration to be paid to any deputy mayor or acting mayor for his services while acting as a commissioner.

45. Every commissioner shall before taking office give ^{Security} such security for the performance of his duties as the council shall require.

46. No commissioner shall, after and during his appoint- ^{No interest in city contracts} ment, have any personal interest, direct or indirect, in any contract with the city.

47. In case any appointed commissioner is incapable through ^{Illness or absence} illness or other cause of performing the duties of his office, the council may appoint a substitute, who during such illness, absence or other incapacity shall have and exercise all the powers of such commissioner.

48. The commissioners shall annually submit to the council ^{Estimates} in the month of January in each year recommendations and estimates for the expenditure which in their opinion should be made by the city during the then current year. The council shall thereupon deal with the same and shall provide the necessary funds for such expenditures as they determine to make.

49. The commissioners shall keep books for the purpose ^{Books} of recording the whole of their official proceedings, and also regular books and accounts of and relating to each separate public work or public utility under their charge and control, and such books shall be open to the examination of any member of the council or any person appointed for that purpose by the council. The accounts of the commissioners shall be subject to the provisions hereinafter contained relating to the audit of the city accounts.

50. The commissioners shall also from time to time furnish ^{Reports to Council} such information as may be required by the council or any member thereof regarding the matters and affairs under their management and control.

OFFICIALS

51. The council may appoint a city clerk, a city treasurer, ^{City Officials} a city solicitor, an assessor and one or more auditors, and they may also appoint such other officials as they deem necessary or expedient to appoint for the purpose of carrying into effect the provisions of this Act or any by-law of the city. Any such officials so appointed shall, in addition to the duties herein prescribed, perform such other duties as the council may from time to time prescribe.

Appointments
not by tender

52. The council shall not make any appointment to office or any arrangement for the discharge of the duties of any municipal office by tender or to applicants at the lowest remuneration.

Tenure of
office

53. Unless it shall be otherwise provided by special by-law appointing him, every officer, official, servant or employee of the corporation shall hold his office or employment at the pleasure of the council or at the pleasure of the commissioners or such departmental head as the council may by general or special by-law provide, and every such person shall in addition to the duties assigned to him by this Act or the general law of the province, perform such other duties as may be required of him by by-law of the city.

Security

54. In addition to defining the duties of any officer, the council may by by-law require him to give such security as they may deem expedient for the faithful performance of his duties; and during the month of January in each year all such securities shall be produced to the mayor, and shall be laid by him before the council.

Bonds

55. The bonds or policies of guarantee of any corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust may be accepted instead of or in addition to the personal bond of any officer of the city.

Liability
of officials

56. Every officer, servant and agent of the city shall be personally liable for any damage arising from his acts or default, or from his refusal or neglect to discharge the duties imposed upon him by law or by this Act or by the by-laws of the city, in addition to any penalties otherwise imposed for the said acts or defaults.

Gratuity
for long
service

57. The council may grant any officer who has been in the service of the city, including its previous existence as a town, for at least twenty years, and who while in such service has become incapable through age or illness of efficiently discharging the duties of his office, a sum not exceeding his aggregate salary for the last three years of his service, as a gratuity upon his dismissal or resignation.

Super-
annuation

57a. The council may also pass by-laws for the establishment and maintenance of superannuation and benefit funds for the benefit of the officers, officials and employees of the city ^{any class or classes thereof} and for providing pensions, gratuities or retiring allowances to any such officers, officials or employees, and for that purpose, if the council deems fit, to deduct from the salaries of such officers, officials or employees such amounts as the council may deem necessary or expedient, and for aiding and assisting by annual grant of money or otherwise, the said funds. Any by-law passed under this section may contain any of the sections of *The Superannuation Act*, being chapter 8 of the Revised Statutes of Alberta, 1922, or any modification or adaptation thereof ^{the Council etc.} 1933 Cap 67.51

1933. Cap 67.51

Appointments
not by tender

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of officials

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C
f
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"and the council may include in any such scheme for providing pensions, gratuities, or retiring allowances or establish a separate scheme therefor for the officers, officials and employees or any class or classes thereof, of the Edmonton Hospital Board, the Edmonton Library Board, the Edmonton Exhibition Association Limited, the Board of Trustees of the Edmonton School District No. 7 of the Province of Alberta, and the Board of Trustees of the Edmonton Separate School District No. 7 of the Province of Alberta, upon such terms and conditions as the said council may deem fair and reasonable. And the said Boards or Association shall have power to deduct from the salaries of their respective officers, officials and employees such amounts as they may deem necessary or expedient for said purposes".

57b. The council may also pass by-laws for contributing or paying the full amount or any portion of any premium or premiums in respect of any benefit, accident, sickness or life insurance policy or policies or scheme of group insurance for the purpose of insuring all or any employees of the city against sickness, accident or death, as the case may be. ^{Group insurance}

CITY CLERK.

58. The city clerk shall attend all meetings of the council, and shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council, and (if required by any member present) shall record the name and vote of every member voting on any matter submitted. He shall safely keep the originals or duly certified copies of all the by-laws of the council and all such books, documents, records and securities of the city as the council shall from time to time by resolution direct. It shall be his duty to summon all meetings of the council, to communicate the resolutions or instructions of the council to the parties concerned therein, and to conduct the general official correspondence of the council and the city. ^{Duties}

59. In case the city clerk is absent or is incapable of performing his duties, the council may by resolution appoint some person to act in his stead, during the period of such absence or incapacity, and during such period the person so appointed shall have all the powers of the city clerk. ^{Absence or illness}

60. Any elector may at all reasonable times inspect any account or claim presented to the commissioners or the council, any contract, any by-law, any report of the commissioners, or of any committee, or of any officer of the city (other than a report of the city solicitor or of any counsel engaged by the city) after the same has been submitted to the council, and the minutes of any regular or special meeting of the council, and also the assessment rolls, voters' lists, poll books and other documents relating to any election or voting upon any referred by-law, and the city clerk shall within a reasonable time after demand by such elector furnish him with copies of any such documents or extracts therefrom on payment of a charge at the rate of ten cents per hundred words. ^{Inspection of records}

61. A copy of any such book, record, document or account, certified under the hand of the city clerk and the city seal, shall be received in evidence without proof of the seal of the city or of the signature or official character of the person appearing to have signed the same, unless the court or a judge thereof otherwise orders. ^{Copies and extracts}

CITY TREASURER.

Duties

62. The city treasurer shall collect, receive and safely keep all moneys belonging or accruing due to the city from whatever source, and shall pay out the same only to such persons and in such manner as is directed by law or by the by-laws of the council.

Deposits and
cheques

63. The treasurer shall daily, or as often as the council may direct, deposit in the name of the city, in some chartered bank designated by resolution of the council, all moneys received by him in excess of \$100; and he shall, jointly with the mayor, or such other person as the council shall from time to time appoint, sign all necessary cheques.

Departmental
banking

64. The council by resolution may authorize any and all superintendents of departments to deposit all moneys daily received by them direct in the city's bank to the credit of the city.

Books

65. The treasurer shall keep and make use of such books of record and account as the council shall from time to time require him to keep and use, including the debenture register required by the provisions of this Act, and he shall also prepare and submit to the council half-yearly a correct statement of the moneys at the credit of the city.

Financial year

66. The financial year of the city shall commence on the first day of January, and shall close on the thirty-first day of December in each year.

CITY SOLICITOR.

Appointment

67. The council may appoint a member of the Law Society of Alberta as city solicitor, and may determine his duties and the terms and period of his employment.

Salary

68. In case the remuneration of the city solicitor so appointed is to be paid wholly or partly by salary, the city shall, notwithstanding be entitled to tax and collect lawful costs, in all actions and proceedings to which the city is a party; provided such costs are by the terms of the engagement of the city solicitor payable to him as part of his remuneration in addition to his salary.

AUDITOR.

Appointment

69. The council shall at its first meeting in each year, or within two months thereafter, appoint one or more auditors, but no one who then or during the preceding year is or was a member of the council, or is or was city clerk or city treasurer, or who has or had during the preceding year, directly or indirectly, alone or with any other person, a share or interest in any contract or employment with or on behalf of the city (except as auditor) shall be so appointed. A partnership or an incorporated company may be appointed as auditor.

70. The auditor or auditors so appointed shall at least ^{Duties} once in every three months during the year examine, audit and report upon all books and accounts affecting the city, or relating to any matter under its control or within its jurisdiction, and after the examination of every account, voucher, receipt and paid debenture, shall stamp thereon in indelible letters the word "Audited" and initial the same.

71. The auditor shall on every occasion write a special ^{Special reports} report on and regarding all expenditures contrary to law, by-law or resolution, and shall deliver the said report to the mayor, who shall lay the same before the council at its next meeting.

72. The council may by by-law provide that the auditors ^{Accounts to be audited} shall audit all accounts before they are paid.

73. On or before the first day of March in each year the ^{Abstract and reports} auditor shall cause to be prepared by the proper officer in such form as the council may by resolution direct, an abstract of the receipts, expenditures, assets and liabilities of the city for the financial year ending on the thirty-first day of December of the preceding year, including a statement showing the total amount of debentures authorized to be issued, the debentures actually issued, those actually sold or otherwise disposed of, and how disposed of, and those remaining on hand, together with a special report on and regarding any illegal or improper expenditures or matters of account. The said abstract and report shall be delivered forthwith or as soon as may be to the mayor, and laid by him before the next meeting of the council, and the council shall on or before the first day of April in each year cause the said abstract and report, with a copy of the auditor's certificate, to be printed in full, and a reasonable number of copies to be kept at the offices of the treasurer for the information and inspection of the electors.

74. Any elector may inspect the said abstract and report, ^{Inspection by electors} and may by himself or his agent and at his own expense take a copy thereof or extract therefrom, and any elector shall be entitled to be supplied with printed copies, if there are sufficient prints available, on payment of a charge of fifty cents per copy.

75. On or before the fifteenth day of April each year the ^{Publication of reports} council shall cause the said abstract and report or a synopsis thereof to be published in some newspaper published in the city, such newspaper to be designated by resolution of the council.

OATHS OF OFFICE.

76. Every member of the council, every commissioner ^{City officials} appointed by the council, the city clerk, city treasurer, city solicitor, city assessor, city engineer and every other civic

officer who may by the terms of his employment be required so to do, shall before entering upon the duties of his office make and subscribe a declaration of office to the following effect:

"I, A.B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office or offices in case of a person who has been appointed to two or more offices which he may lawfully hold at the same time*) to which I have been elected (*or appointed*) in the city, and that I have not received and will not receive any payment or reward or promise thereof, for the exercise of any partiality or malversation or undue execution of the said office (*or offices*) and that I have not by myself or partner, either directly or indirectly, any interest in any contract, with or on behalf of the said city; save and except that arising out of my office as (*naming the office*). So help me God."

Police
constables

(2) Every member of the police force shall take and subscribe the oath of allegiance and the following oath before one of the commissioners who shall have power to administer the same:

"I,-----, do swear that I will well and truly serve Our Sovereign Lord the King in the office of police constable (*or as the case may be*) of the City of Edmonton, without favour or affection, malice or ill-will; and that I will to the best of my power cause the peace to be kept and preserved, and will prevent all offences against the persons and the properties of His Majesty's subjects, and that while I continue to hold the said office I will to the best of my skill and knowledge faithfully discharge all the duties thereof according to law."

Dual offices

77. Any person who has been elected or appointed to two or more offices which he may lawfully hold at the same time may make one declaration of office as to all the offices to which he has been elected or appointed.

Auditor

78. The declaration of office to be made and subscribed by every auditor shall be as follows:

"I, A.B., having been appointed to the office of auditor for the City of Edmonton, do hereby promise and declare that I will faithfully perform the duties of the said office according to the best of my judgment and ability; and I do solemnly declare that I had not during the preceding year directly or indirectly, any share or interest whatever in any contract or employment (*except that of auditor, if reappointed*) with, by, or on behalf of the city, and that I have not now any such contract or employment except that of auditor for the present year. So help me God."

Before whom
to be taken

79. The mayor and aldermen and the other civic officers who are required as aforesaid to make a declaration of office shall make and subscribe the said declaration of office before some notary public, commissioner for taking affidavits or justice of the peace.

80. The mayor or any notary public, commissioner for taking affidavits or justice of the peace may administer any oath, affirmation or declaration herein provided for in any way relating to the business of the city, except where otherwise specially provided, and except where he is the person required to make the oath, affirmation or declaration. How administered

81. The deponent, affirmant or declarant shall subscribe every such oath, affirmation or declaration, and the person administering it shall duly certify and preserve the same, and shall within eight days deposit the same in the office of the city clerk, who shall preserve it among the city records. Deposit of oath

82. The mayor, or in his absence the presiding officer of the council, or of any committee thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the council or any committee thereof. Oaths regarding matters before Council

PART IV.

MUNICIPAL ELECTIONS.

LIST OF ELECTORS.

83. The persons entitled to vote at any election shall be those persons whose names appear on the last revised list of electors, which shall be prepared annually as hereinafter provided. Preparation of list of electors

84. The assessor shall in each year prepare a list of electors in alphabetical form as hereinafter provided. He shall place on said list:

(a) The names of all individuals, both male and female, being British subjects by birth or naturalization and residents of the city, of the full age of twenty-one years, whose names appear upon the last revised assessment roll or rolls, including income tax or other tax rolls or lists of the city. Where real property is owned by two or more individuals and is assessed in their names, each of them shall be deemed to be assessed. And where two or more individuals are members of a partnership assessed in respect of business or income each of them shall be deemed to be assessed.

(b) The names of all individuals qualified as aforesaid not being residents of the city and who apply in the manner hereinafter provided to have their names placed on said list.

(c) The names of all individuals, both male and female, not qualified as aforesaid, being British subjects by birth or naturalization, of the full age of twenty-one years, who have for five months immediately preceding the first day of May in the year for which the list is being prepared continuously resided or have their fixed and permanent domicile in the City of Edmonton and who apply in the manner hereinafter provided to have their names placed on said list.

(d) The names of all individuals whose names appear on the list of electors of the preceding year and who appear by the poll books to have voted at such last preceding annual election, and the residence of each such individual as entered in the poll books shall be taken as the correct residence of such individual for the purpose of entry in the said list of electors; and the said poll books shall be deemed conclusive evidence of whether such individual has voted or not for the purpose of retaining his name on the list of electors. For the purposes aforesaid the returning officer at the last preceding election aforesaid, notwithstanding any other provision in *The Edmonton Charter*, or amendments thereto, and notwithstanding any oath made by him, shall within a reasonable time after the expiration of the time within which a recount may be had, furnish the assessor with a list of the names of all persons who according to the poll books have voted at such election.

Provided, however, that where the list of electors in any year is based on a census or enumeration as provided for in section 84a, this paragraph shall not apply.

(2) In case the assessor cannot readily ascertain whether or not any person assessed is a British subject, he shall opposite the name of such person write the word "swear," and in case any such person shall tender his vote the officer presiding at the poll shall administer to him the following oath:

"You swear (*or solemnly affirm*) that you are a natural born (*or naturalized*) subject of His Majesty, of the full age of twenty-one years, and that you are the person named (*or intended to be named*) by the name of----- in the list of electors now shown you (showing list to the elector)."

Annual
census

84a. The council may by resolution in any year provide that a census or enumeration shall be made for the purpose of preparing the list of electors for that year and may make such orders and directions as they may see fit for that purpose.

Lists to be in
alphabetical
order

85. The said list shall be in alphabetical order and according to the proper polling subdivisions to be fixed by the council as hereinafter provided in section 93, a separate list to be prepared for each such division, which list shall state the name and place of residence or address of each elector. If an elector is a resident of the city his name shall be placed on the list for the polling subdivision in which he resides. If he be not a resident of the city his name may be placed on the list for any polling subdivision in which he is assessed. The said list shall be completed by the thirty-first day of August.

Applications
of persons
not on
assessment
rolls

86. The assessor shall during office hours of every business day from the first day of May to the thirtieth day of September in each year receive applications personally or in writing from any individual qualified under clauses (b) or (c) of section 84 to have their names added to said list, which written application shall be in the form of a declaration setting forth the qualifications of the individual applying. Any person making

any false statement in any such declaration shall be liable on summary conviction to a fine of not less than ten dollars nor more than one hundred dollars.

86a. In order to verify the qualifications of any individual the assessor may require him to furnish satisfactory proof thereof and shall have authority to take the affidavit or statutory declaration of such individual or of any other person he shall see fit, and he is hereby authorized to administer any required declaration or oath. Assessor may require proof

86b. Upon the completion of the said list the assessor shall post up one typewritten copy within the main entrance of the Civic Block on the North Side, and one within the main entrance of the Civic Building on the South Side and in two other conspicuous places in the city. He shall also post up in a conspicuous place in each polling subdivision a copy of that part of said list which contains the names of those entitled to vote in the polling subdivision. He shall also publish once a week for two consecutive weeks in a newspaper or newspapers published in the city a notice stating that such lists have been prepared and posted for inspection, stating the places where the same are posted and the time within which application for amendments thereto may be received by him. Posting of lists

87. Any person who challenges or takes objection to the name of any other person upon such list upon the ground that such other person is not duly qualified to be an elector may give written notice not later than the tenth day of October to the assessor, stating the ground of his challenge or objection and the reason therefor. Notice of such challenge or objection shall forthwith be sent by the assessor to the person challenged or objected to, if living. But if the person whose name is challenged or objected to is alleged to be dead, the assessor shall make due inquiry and report the result thereof to the returning officer. Challenges or objections

88. Any person who claims to be duly qualified as an elector but whose name does not appear on the list may either with or without prior notice personally appear before the revising officer and apply to have his name added to the list. Personal appearance applicant

89. "Revising officer" shall mean any judge of a District Court, the Master in Chambers at Edmonton, or the Clerk of the Supreme Court for the Judicial District of Edmonton. Revising officer

90. A revising officer to be selected each year by the council shall sit each evening of every week day between the tenth and twentieth days, both inclusive, of the month of October in each year, as a revising officer, and the assessor of the City of Edmonton shall act as clerk to the said officer. Sittings of revising officer

Duties of
revising officer

91. The revising officer shall summarily hear and finally determine all challenges, objections, and applications of which notice has been given in accordance with the preceding sections, or which are presented to him at any of his sittings: Provided that the name of no person shall be struck off the list without, if he be living, having been given an opportunity to be heard, or if dead, without proof of death satisfactory to the revising officer.

(2) In case any person whose name does not appear on the list or lists posted by the assessor, claims to be entitled to vote, he may apply to the revising officer to have his name placed thereon by personally attending before him at any sitting and furnishing evidence satisfactory to the revising officer of his qualification.

(3) In case of the change of ownership of any land or business or in the case of any person commencing to carry on business in the City since the final revision of the land and business assessment rolls, the revising officer shall have power to place the name of the new owner or person newly commencing business, if he is otherwise qualified, on the list of electors and burgesses, and may strike off the name of the former owner unless he is otherwise properly qualified, but the name of no person shall be so struck off unless he has had an opportunity to be heard.

(4) The assessor shall make such alterations in the list of electors and burgesses as may be required to carry out the decisions of the revising officer and shall furnish the revising officer with printed or typewritten copies for each polling subdivision of all changes and additions regarding the same.

(5) The lists as revised by the revising officer shall be the list of electors and burgesses of the City until the next revision thereof by a revising officer.

(6) The revising officer shall be paid the same fees as an arbitrator is entitled to under section 494 hereof

Additions at
poll on
assessor's
certificate

92. The deputy returning officer in charge of any polling place shall while the poll is open, if required by any person whose name is not on the revised list of electors and who shall present to him a certificate signed by the assessor stating that such person is assessed on the last revised assessment roll, or rolls, including income or other tax rolls or lists, administer to him or her the following oath, and such oath having been taken the deputy returning officer shall at once cause the name of such person to be added to the list of electors with the words "Certificate," "sworn" written thereafter.

OATH

"You do swear that you are the person named in the assessor's certificate now produced to you, and that you are entitled to have your name placed on the revised list of electors of the city for the present year (*or*, if elections are to be from wards, upon the list of electors for this ward) as an elector entitled to vote for aldermen, or for aldermen and mayor (*as the case may be*). So help you God."

ELECTIONS: GENERAL PROVISIONS

93. The council may from time to time by by-law:— Polling
subdivisions

- (a) Divide the city into polling subdivisions for the purpose of elections or votings of the burgesses;
- (b) Appoint the places at which polls shall be opened in case a poll or vote is required; provided that the boundaries of the subdivisions for elections and votings may be different.

(2) The council may by resolution delegate to the returning officer the appointment of polling places, and in the absence of the appointment of such polling places by the council it shall be the duty of the returning officer to appoint the various polling places in each polling subdivision. Polling
places

94. In all elections and votings required under any of the provisions of this Act, the city clerk shall, unless the council shall otherwise specially provide by by-law, be *ex officio* returning officer; and he shall unless the council shall otherwise specially provide by by-law, appoint the polling places and appoint such deputies, polling clerks, constables and other persons as may be requisite, provide all necessary means and do all acts that may be required for the purpose of holding the election or taking the votes; and in case any polling place named in any by-law be not available, he shall provide a convenient place in the vicinity and shall post a notice at the regular polling place stating the place to which the poll is removed or station some person thereat for the purpose of directing electors. Returning
officer

(2) In case the council shall determine to make special provision, it shall at least one week prior to the last Monday in October in any year by by-law, appoint a returning officer for the next municipal elections in which case the returning officer so appointed shall have all the powers of the city clerk in his capacity of returning officer.

95. Every returning officer, deputy returning officer and assistant deputy returning officer appointed to act at an election shall before entering upon the duties of his office, make and subscribe a solemn declaration to the effect following: Oath of
returning
officer

“I, A.B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office (*inserting the name of the office*) to which I have been appointed in this city; and that I have not received and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of the said office. So help me God.”

96. When any oath or affirmation or declaration is required to be taken or made by a deputy returning officer or assistant deputy returning officer, and no special provision is herein made therefor, the same may be made before the poll clerk or before any justice of the peace or commissioner for affidavits, Administering
oath

and the returning officer or any justice of the peace or commissioner for affidavits may administer any oath or affirmation or declaration required to be made by a poll clerk under the provisions of this Act.

Notice of
election

97. The returning officer shall at least six days previous to the Wednesday in the first week in November, post up at the city hall, and shall advertise at least three times in one or more newspapers published in the city, a notice in the following form:

“NOTICE

“City of Edmonton, Municipal Elections, 19-----.

“Public notice is hereby given that a meeting of the electors of the City of Edmonton will be held at (*description of place*) on Wednesday the-----day of November, 19----- (*here fill in the date on which the first Wednesday in November falls*) from eleven a.m. until noon, for the purpose of nominating candidates for the office of mayor of the city and of aldermen for the next ensuing two years.

“Given under my hand at Edmonton, this-----day of-----, 19-----.

G.H.,
Returning Officer.”

Nominations

98. Nominations shall be made and received during the time and at the place mentioned in the notice. All nominations shall be in writing and signed by two or more duly qualified electors whose names appear on the last revised list of electors. If the number of persons nominated to serve as mayor and aldermen does not exceed the requisite number, the returning officer shall declare the person or persons so nominated duly elected.

Consent of
nominee

99. Every nomination for mayor or aldermen shall be accompanied by a written consent from the person named in such nomination to accept the office if elected.

North or South
Side represent-
ative

(2) The nomination paper shall contain a statement signed by the candidate, of his place of residence, and whether he has more than one-half in assessed value of the property for which he is assessed in the city on the south side of the Saskatchewan River or not, and whether he is a candidate for the representation of the portion of the city south of the Saskatchewan River. A similar statement shall also be made by candidates for the office of school trustee.

Poll if more
candidates
than vacancies

100. In the event of more than the required number of persons being nominated, the returning officer shall declare that a poll will be held, and shall name the time (which shall be on the same day of the week as the nomination but in the next following week), the place or places where and the hours during which the votes are to be polled, and also the time and place at which the result of the polling will be declared.

101. Whenever a poll has to be taken, the returning officer shall without any unreasonable delay after the nominations cause to be posted at the city hall, and shall advertise at least twice in one or more newspapers circulating in the city, a notice in the following form: ^{Notice of poll}

“NOTICE

“City of Edmonton, Municipal Elections, 19-----.

“Public notice is hereby given that a poll has been granted for the election of mayor of the City of Edmonton and of alderman for ward No. 3 (*or as the case may be*) for the year 19----, and that the polling will take place on (*here insert the date of polling*) the-----day of November, 19----, from nine a.m. till six p.m., at the following places: (*here specify polling places.*)

“And that I will at (*describe the place*), on (*day of the week*) the-----day of-----19----, at noon, sum up the votes and declare the result of the election.

“Given under my hand at Edmonton this-----day of November, 19-----.

G.H.,
Returning Officer.”

102. Any candidate nominated may withdraw at any time before ten o'clock in the forenoon of the day after the close of the nomination meeting by filing with the returning officer or deputy returning officer (as the case may be) a declaration in writing to that effect, signed by himself in the presence of the returning officer or deputy returning officer, a justice of the peace or notary public; and any votes cast for a candidate who has thus withdrawn shall be null and void. ^{Withdrawal of candidate}

103. If by reason of any such withdrawal or withdrawals the number of candidates remaining in nomination for any office does not exceed the number required by this Act, to be elected for any such office, the polling for such office shall not take place; and the returning officer shall forthwith post up at the city hall and in ten conspicuous places in the city, and shall advertise at least once in one or more newspapers published in the city, a notice to the following effect: ^{Abandonment of poll if sufficient withdrawals}

“NOTICE

“City of Edmonton, Municipal Elections, 19-----.

“Whereas, Mr.-----nominated for the office of alderman for ward No.----- has withdrawn his candidature for the said office, leaving Mr.----- the only candidate therefor, I hereby give notice that no voting for the said office will take place on the-----day of (*date of polling*).

“Dated under my hand at Edmonton, this-----day of November, 19-----.

G.H.,
Returning Officer.”

Vote by
ballot

104. In case of a poll, the votes shall be given by ballot.

Ballot boxes
to be
supplied

105. Where a poll is required, the city clerk shall procure as many ballot boxes as appear to be required.

Construction
of boxes

106. The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot papers can be introduced therein and cannot be withdrawn therefrom unless the box be unlocked.

Distribution
of boxes

107. When it becomes necessary for the purpose of an election to use the ballot boxes, it shall be the duty of the city clerk (if a separate officer) to deliver the same to the returning officer who shall at least two days before the polling day deliver a sufficient number of ballot boxes to every deputy returning officer (or assistant deputy returning officer) appointed for the purposes of the election.

Printing
ballots

108. Where a poll is required, the returning officer shall forthwith cause to be printed at the expense of the city such a number of ballot papers as will be sufficient for the purposes of the election.

Form of
ballot papers

109. Ballot papers used for the election of mayor, aldermen and school trustees shall be printed in as many lots as there are candidates for the office. In the first lot the names of the candidates shall appear in alphabetical order. In the second lot the names shall appear in the same order except that the first name in the first lot shall be placed last. In each succeeding lot the order shall be the same as that of the lot preceding except that the first name in that preceding lot shall be placed last. Tablets of ballots to be used at the several voting places shall be made up by combining ballots from the different lots in regular rotation, so that no two successive voters shall receive ballots from the same lot and so that each candidate's name shall appear first and in each other position substantially the same number of times on the ballots used. Inadvertent departures from the procedure prescribed in this section shall not invalidate an election.

(This section shall not come into force until it is adopted by the Council by by-law.)

110. (Repealed 1926, c. 76, s. 3.)

Supplies to
deputy return-
ing officer

111. Before the opening of the poll the returning officer shall deliver or cause to be delivered to every deputy returning officer the ballot papers which have been prepared for use in the ward or polling subdivision for which such deputy returning officer has been appointed to act, and such other materials as are necessary in order to enable the electors to mark their ballot papers; and such ballot papers and other materials shall be delivered by the deputy returning officer of the ward or polling subdivision to his assistant deputy returning officer if any has been appointed.

112. The returning officer shall before the opening of the poll deliver or cause to be delivered to every deputy returning officer such number of printed directions for the guidance of electors in voting as he may deem sufficient. Directions to electors

(2) Such directions shall be printed in conspicuous characters and may be according to the following form:

“DIRECTIONS FOR THE GUIDANCE OF ELECTORS IN VOTING.

“The elector will go into one of the compartments, and with the pencil provided in the compartment place a cross, thus (X), on the right hand side opposite the name or names of the candidate or candidates for whom he votes, or at any other place within the division which contains the name or names of such candidate or candidates.

“The elector will fold up the ballot paper so as to show the name or initials of the deputy returning officer (*or assistant deputy returning officer, as the case may be*) signed on the back, and leaving the compartment will without showing the front of the paper to any person deliver such ballot paper so folded to the deputy returning officer (*or assistant deputy returning officer as the case may be*) and forthwith quit the polling place.

“If the elector inadvertently spoils the ballot paper, he may return it to the deputy returning officer (*or assistant deputy returning officer, as the case may be*) who will, if satisfied of such inadvertence, give him another paper.

“If the elector votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void so far as relates to that office, and will not be counted for any of the candidates for that office.

“If the elector places any mark on his ballot paper by which he may afterwards be identified, or if the ballot paper has been torn, defaced, or otherwise dealt with by the elector so that he can thereby be identified, it will be void and will not be counted.

“If the elector takes a ballot paper out of the polling place or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding six months with or without hard labour, or to a fine of not less than \$50 nor more than \$500 or to both fine and imprisonment.

“In the following forms of ballot paper given for illustration the candidates are, for mayor, Jacob Thompson and Robert Walker; for aldermen, John Bull and Morgan Jones, and the elector has marked the first ballot paper in favour of Jacob Thompson for mayor, and the second ballot paper in favour of John Bull for alderman.”

Election for members of the Council of the City of Edmonton for 19-----	FOR MAYOR	THOMPSON, Jacob Thompson, of the City of Edmonton, Merchant.	X
		WALKER, Robert Walker, of the City of Edmonton, Physician.	

Election for members of the Council of the City of Edmonton for 19-----	FOR ALDERMEN	BULL, John Bull, of the City of Edmonton, Butcher.	X
		JONES, Morgan Jones, of the City of Edmonton, Grocer.	

Voting
Compartments

113. Every polling place shall be furnished with a compartment or compartments in which the electors can mark their votes screened from observation, and it shall be the duty of the returning officer to see that a proper compartment or compartments for that purpose is or are provided at each polling place.

Posting up
of directions

114. Every deputy returning officer (or assistant deputy returning officer) shall before the opening of the poll, or immediately he has received the printed directions from the returning officer (if he did not receive the same before the opening of the poll), cause the said printed directions to be placarded outside the polling place for which he is appointed to act, and also in every voting compartment of the polling place, and shall see that they remain so placarded until the close of the polling.

Copy of
electors' list

115. The returning officer shall before the poll is opened deliver to every deputy returning officer and assistant deputy returning officer a copy certified by the assessor to be a correct copy of the list of electors for the polling subdivision for which such deputy returning officer or assistant deputy returning officer is to act, and a blank poll book in which to record the names and qualifications of the electors who vote.

116. The poll book shall be in the following form:

Poll book

REMARKS		
Refused to swear.		
Sworn.		
Objected to.		
Voted for	School Trustee.	
	Alderman.	
	Mayor.	
Legal addition.		
Serial number on List of Electors.		
Qualifications.		
NAME		

117. The city clerk, on the request of any elector who has been appointed deputy returning officer or assistant deputy returning officer or poll clerk or constable or as agent of a candidate to attend any polling place other than the one where he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day; and the certificate shall also state the property or other qualification in respect of which he is entitled to vote.

Certificate to persons attending other than their own poll

Right to
vote on
production of
certificate

118. On the production of the certificate the deputy returning officer, assistant deputy returning officer, poll clerk, constable or agent shall have the right to vote at the polling place where he is stationed during the polling day instead of at the polling place where he would otherwise have been entitled to vote; and the deputy returning officer (or assistant deputy returning officer) shall attach the certificate to the list of electors; but no such certificate shall entitle such elector to vote at such polling place unless he has been actually engaged as such deputy returning officer, assistant deputy returning officer, poll clerk, constable or agent during the whole of the day of polling, nor to vote for alderman or aldermen except in the ward where he would otherwise be entitled to vote.

Oaths to
certified
persons

119. In case a deputy returning officer (or assistant deputy returning officer) votes at the polling place to which he has been appointed as such, the poll clerk appointed to act at the polling place or (in the absence of the poll clerk) any elector authorized to be present, may administer to the deputy returning officer (or assistant deputy returning officer) any of the oaths required by law to be taken by electors.

ELECTIONS: PROCEDURE

Presiding
officer

120. In the following sections 121 to 175 both inclusive the deputy returning officer, or assistant deputy returning officer, acting as such at any polling place at a municipal election, is referred to as "the officer presiding at the poll."

Poll clerks

121. In the event of the returning officer not having made the necessary appointments, the officer presiding or appointed to preside at any poll at an election may by writing under his hand appoint such number of poll clerks as he shall deem necessary who in the absence of the deputy returning officer, or assistant deputy returning officer, or in case of his illness or inability to fulfill the duties required of him by this Act, shall have the powers of the officer by whom he was appointed.

Constables

122. In the event of the returning officer not having already done so, the officer presiding at the poll may also appoint a constable or constables to maintain order at the polling place, or he may summon to his assistance in the polling place any police constable or peace officer for the purpose of maintaining order, or of preserving the public peace, or preventing any breach thereof, or of removing any person who in the opinion of the officer presiding at the poll is obstructing the polling or wilfully violating the provisions of this Act.

Oath to be
taken

123. Every returning officer, deputy returning officer, assistant deputy returning officer, poll clerk, constable, candidate or agent authorized to be present at any polling place, before exercising at any polling place any of the rights, or functions of the office for which he has been so appointed, shall take

and subscribe before a justice of the peace or before the city clerk, or (in the case of a poll clerk or constable or agent) before the deputy returning officer or assistant deputy returning officer at whose polling place he is appointed to act, an oath in the form following:

"I, A.B., do swear that I will not at any time, except as by law required, disclose to anyone the name of any person who has voted at the election to be held in the City of Edmonton on the-----day of-----A.D. 19---, and that I will not unlawfully attempt to ascertain the candidate or candidates for whom an elector has voted; and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the person for whom any elector has voted. So help me God."

124. The polls shall be kept open in any event from nine o'clock in the forenoon until five o'clock in the afternoon of the same day; provided that the council may at any time extend the time for keeping open the polls until not later than nine o'clock in the afternoon. Polling hours

124a. This section with its subsections shall apply to all persons who are qualified electors of the City of Edmonton and who have reason to believe that they will in the course of their business or employment be absent from their place of residence during the whole of the time fixed for the election, voting of burgesses or taking of a plebiscite. Pre-voting for
electors absent
polling-day

(2) For the purpose of enabling every such person to vote as aforesaid, the returning officer shall establish a special polling booth, which polling booth shall be centrally located so as to suit the convenience of the electors.

(3) Except as herein provided, the poll so held at every such polling booth shall be conducted in the same manner as provided for the conduct of other polls in an election, voting of burgesses or taking of a plebiscite.

(4) The poll at such polling booth shall be kept open between the hours of one o'clock in the afternoon and six o'clock in the afternoon of the Friday immediately preceding the day of election, and between the hours of one o'clock in the afternoon and nine o'clock in the afternoon of the Saturday immediately preceding the day of election, voting of burgesses or taking of a plebiscite.

(5) Every person applying to vote at any such polling booth before being permitted to do so shall be required by the deputy returning officer in charge of the poll, to make and sign the following affidavit or affirmation, which shall be kept by the deputy returning officer with the other records of the poll.

"Canada
 "Province of Alberta
 "To Wit:

"I, ----- of -----
 do solemnly swear:

"That I am a British subject by birth (*or naturalization*)
 and am the person whose name appears on the list of electors
 (*or burgesses*) as ----- and am at
 present employed as (*state nature of employment*) and have
 reason to believe that I shall, in the course of my business em-
 ployment, be absent from the City of Edmonton during the
 whole time fixed for -----
 namely, the ----- day of ----- 19--, between the
 hours of -----, and unless I am allowed to vote before
 the said date, I shall be unable to cast my vote at the said
 election (*or voting of burgesses or taking of a plebiscite*).

"Sworn before me at the City
 of Edmonton, in the Province
 of Alberta, this -----
 day of -----, A.D. 19--

"-----
 "Returning Officer (*or Deputy*
Returning Officer.)"

(6) The returning officer, or deputy returning officer,
 may take such affidavit or affirmation, and any person signing
 same, knowing that any statements therein are false, shall
 be liable on summary conviction thereof, to a penalty of not
 less than \$25.00 and not more than \$100.00.

(7) The returning officer shall as early as reasonably possible
 and prior to the opening of the poll, deliver to the deputy
 returning officer or other officer presiding at each poll a list
 of all electors or burgesses entitled to vote in his subdivision
 who have voted at the said special polling booth, and the
 deputy returning officer or other presiding officer shall strike
 off his list the names of the persons having so voted.

(8) All proceedings in the opinion of the council of the
 City of Edmonton necessary or expedient to give full effect
 to this section shall be deemed authorized notwithstanding
 any inconsistencies that may appear between this section and
 any other portion of *The Edmonton Charter* and amendments
 thereto.

Agents

125. Any person producing to the officer presiding at the
 poll at any time a written authority to represent a candidate
 as his agent at a polling place shall be recognized as such by the
 said officer.

Where to
 vote

126. Every elector may vote only in the polling subdivision
 in the electors' list for which his name appears, or in the case
 of electors whose names are added at the poll on the assessor's
 certificate in pursuance of section 92, in the polling sub-
 division in which he resides or is assessed, or in the case of such
 elector being assessed in more than one polling subdivision, in

one only of such polling subdivisions. Each elector shall have one vote for mayor, and one vote for each alderman to be elected.

127. (Repealed, 1915, c. 24, s. 18.)

128. Any person who votes more often than he is entitled ^{Voting more often than entitled} to do under the provisions of this Act shall incur a penalty of \$50.

129. The receipt by any elector of a ballot paper within ^{Evidence of voting} the polling booth shall be *prima facie* evidence that he has there and then voted.

130. The officer presiding at the poll shall immediately ^{Exhibiting ballot box} after the opening of the poll show the ballot box to such persons as are present in the polling place, so that they may see that it is empty; he shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers, and shall keep it so in his view and locked and sealed during the hours of polling.

131. Where a person claiming to be entitled to vote presents ^{Presiding officer's duties} himself for the purpose of voting, the officer presiding at the poll shall proceed as follows:

(1) He shall ascertain that the name of such person (or a name apparently intended therefor) is entered upon the list of electors for the ward or polling subdivision for which the said officer is appointed to act.

(2) He shall record, or cause to be recorded by the poll clerk, in the proper column of the poll book, the name, qualification, residence and occupation or legal addition of such person;

(3) Where the vote is objected to by any candidate or his agent, the officer presiding at the poll shall enter the objection in the poll book by writing his initials opposite the name of such person in the column headed "objected to," noting at the same time by which candidate, or on behalf of which candidate, the objection has been made by adding after his initials the name or initials of such candidate.

(4) If any candidate or his agent demands that the elector be sworn, the officer presiding at the poll shall administer to him the following oath:

"You swear (or solemnly affirm) that you are a natural born (or naturalized) subject of His Majesty, of the full age of twenty-one years, and that you are the person named (or intended to be named) by the name of----- in the list of electors now shown to you (showing the list to the elector);

"That you have not voted before at this election, either at this or any other polling place in this ward (or, if the elector is tendering his vote for mayor, or if there be no wards) that you have not voted before or elsewhere for mayor at this election (if there be no wards leave out the words "for mayor");

"That you have not directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

"That you have not received anything, nor has anything been promised to you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other services connected with this election;

"And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election.

"So help you God."

(5) If the elector takes the said oath, the officer presiding at the poll shall receive the vote, and shall enter or cause to be entered opposite such person's name in the proper column of the poll book, the word "Sworn," or "Affirmed," according to the fact.

(6) Where the elector has been required to take oath or affirmation, and refuses to take the same, the officer presiding at the poll shall enter or cause to be entered opposite the name of such elector in the proper column of the poll book, the words "Refused to swear," or "Refused to affirm," according to the fact, and the vote of such person shall not be taken or received; and if the officer presiding at the poll takes or receives such vote or causes the same to be taken or received, he shall incur a penalty of \$100.

(7) When the proper entries respecting the person so claiming to vote have been made in the poll book, in the manner prescribed, the officer presiding at the poll shall place a check or mark opposite to the name of the elector in the list of electors, to indicate that the name of such person has been entered in the poll book and that the person has been allowed to vote; and shall then sign his initials on the back of the ballot paper.

(8) Except in the case mentioned in subsection (6) the ballot paper shall then be delivered to the elector.

Explanation
to elector

132. The officer presiding at the poll may, and upon request shall either personally or through his poll clerk, explain to the elector as concisely as possible the proper method of voting.

Breach of
duties

133. Every officer presiding at the poll who refuses or wilfully omits to sign his initials upon the back of any ballot paper as provided for by subsection (7) of section 131 hereof, shall forfeit to any person aggrieved by such refusal or omission the sum of \$100 in respect of every ballot paper deposited in the ballot box at his polling subdivision upon which the said officer presiding at the poll has not signed his initials as aforesaid.

134. The officer presiding at the poll shall place in the columns of the poll book headed "mayor," "alderman," and "school trustee," as the case may be, his initials opposite the name of every elector receiving a ballot paper to denote that the elector has received a ballot paper for mayor, alderman or school trustee, as the case may be. ^{Initialing poll book}

135. Upon receiving from the officer presiding at the poll the ballot paper prepared as aforesaid, the elector shall forthwith proceed into the compartment provided for the purpose, and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in section 112 hereof by placing a cross on the right hand side opposite the name of any candidate for whom he desires to vote, or at any other place within the division which contains the name of the candidate. He shall then fold the ballot paper across so as to conceal the names of the candidates and the marks upon the face of the paper, and so as to expose the initials of the said officer, and immediately after leaving the compartment shall without delay and without showing the front to anyone or so displaying the ballot paper as to make known to any person the names of the candidates for whom he has or has not marked his ballot paper, deliver the ballot paper so folded to the officer presiding at the poll, who shall without unfolding the same or in any way disclosing the names of the candidate or the marks made by the elector upon the ballot paper, verify his own initials and at once deposit the ballot paper in the ballot box in the presence of all persons entitled to be present and then being present in the polling place; and the elector shall forthwith leave the polling place. ^{Voting}

136. While an elector is in a voting compartment for the purpose of marking his ballot paper, no person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the elector marks his ballot paper. ^{Secrecy of vote}

137. No person who has received a ballot paper from the officer presiding at the poll shall take the same out of the polling place; and any person having so received a ballot paper who leaves the polling place without first delivering the same to the said officer in the manner prescribed, shall thereby forfeit his right to vote; and the said officer shall make an entry in the poll book in the column for "remarks," to the effect that such person received a ballot paper, but took the same out of the polling place or returned the same declining to vote, as the case may be; and in the latter case the said officer shall immediately write the word "declined" upon such ballot paper and shall preserve the same. ^{Ballots not to be taken out of polling place}

138. In the case of an application by a person claiming to be entitled to vote who is incapacitated by blindness or other physical cause from marking his ballot paper, or in the case of a person claiming to be entitled to vote who makes a declaration that he is unable to read, or (where the voting is on ^{Inability to mark ballot}

a Saturday) that he is of the Jewish persuasion and objects on religious grounds to mark his ballot paper in the manner prescribed by section 135 hereof, the proceedings shall be as follows:

(1) The officer presiding at the poll shall in the presence of the agents of the candidates cause the vote of such person to be marked on the ballot paper in the manner directed by such person, and shall immediately place the ballot paper in the ballot box.

(2) The officer presiding at the poll shall state or cause to be stated in the poll book, by an entry opposite the name of such person that the vote of such person is marked in pursuance of this section, and the reason why it is so marked.

(3) The declaration aforesaid may be in the following form:

"I, A.B., of-----being numbered-----
on the list of electors for polling subdivision No.-----in
ward No.-----of the City of Edmonton, and being a
duly qualified elector of the City of Edmonton, do hereby
declare that I am unable to read (*or that I am from physical
incapacity unable to mark a ballot paper, or that I object on re-
ligious grounds to mark a ballot paper, as the case may be*).

"A.B., his (X) mark.

"Dated this-----day of-----A.D., 19--"

(4) In the case of a person who objects on religious grounds to mark a ballot paper, the declaration may be made orally and to that effect, and such declaration shall at the time of the polling be made by the person claiming to be entitled to vote before the officer presiding at the poll, who shall attest the same according to the following form:

"I, C.D., the undersigned, being the deputy returning officer
(*or assistant deputy returning officer*) for ward No.-----
(*or polling subdivision No.-----in ward No.-----*)
of the City of Edmonton, do hereby certify that the above
(*or as the case may be*) declaration having been first read to
the above named A.B., was signed by him in my presence
with his mark, or (*in the case of one who objects on religious
grounds to mark a ballot paper*) was orally made before me.

"(Signed)

C.D.,

"Deputy Returning Officer

(*or Assistant Deputy Returning Officer*).

"Dated this-----day of-----A.D., 19--"

Ballot spoiled
before use

139. A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering to the officer presiding at the poll the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the said officer, receive another ballot paper in the place of the ballot paper so delivered up; and the said officer shall immediately write the word "Cancelled" upon the ballot paper so delivered to him; and he shall preserve the same till he makes his return under section 152 hereof.

140. During the time appointed for polling no person shall be entitled or permitted to be present in the polling place other than the officers, candidates, poll clerks, constables or agents authorized to attend at the polling place, and the electors who are for the time being actually engaged in voting.

Persons
entitled to
be in polling
place

141. In every polling place the officer presiding at the poll shall immediately after the closing of the poll, in the presence of the poll clerk (if any) and of such of the candidates or of their agents as may then be present, open the ballot box and proceed to count the votes as follows:

Procedure at
close of poll

He shall examine the ballot papers, and any ballot paper which has not on its back his initials or on which more votes are given than the elector is entitled to give, or on which anything except the initials of the said officer on the back is written or marked by which the elector can be identified, or which has been torn, defaced or otherwise dealt with by the elector so that he can thereby be identified, shall be void and shall not be counted. A ballot paper on which votes are given for a greater number of candidates for any office than the elector is entitled to vote for shall be void as regards all the candidates for that office, but shall be good as regards the votes for any other offices in respect to which the elector has not voted for more candidates than he is entitled to vote for.

142. The officer presiding at the poll shall take a note of any objection made by a candidate or his agent or any elector authorized to be present to any ballot paper found in the ballot box, and shall decide any question arising out of the objection.

Objections to
person voting

143. Every objection shall be numbered, and a corresponding number shall be placed on the back of the ballot paper and initialed by the officer presiding at the poll.

Ballot papers
objected to,
to be
initialed

144. The officer presiding at the poll shall indorse "Rejected" on any ballot paper which he rejects as invalid, and shall indorse "Rejection objected to" if any objection is made to his decision.

Rejected
ballots

145. The officer presiding at the poll shall then count up the votes given for each candidate upon the ballot papers not rejected, and shall make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which statement shall be made under the following heads:

Counting
the votes

- (a) Name or number of ward or polling subdivision, and date of election;
- (b) Number of votes for each candidate;
- (c) Rejected ballot papers.

Signed
statement

146. Upon the completion of the written statement it shall be signed by the officer presiding at the poll, the poll clerk (if any), and such of the candidates or their agents as are present and desire to sign such statement.

Number of
agents

147. Not more than one agent of any candidate shall be entitled to be present at the same time in any polling place during the voting or the counting of the votes.

Certificate of
count

148. Every officer presiding at a poll, upon being requested so to do, shall deliver to each of the persons authorized to attend at his polling place, a certificate of the number of votes given at that polling place for each candidate and of the number of rejected ballot papers.

Sealing of
packages

149. Every officer presiding at a poll shall at the close of the poll certify under his signature on the poll book in full words the total number of persons who have voted at the polling place at which he has been appointed to preside; and shall at the completion of the counting of the votes, in the presence of the candidates or agents of the candidates, make up into separate packets, sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the election, the name of the officer presiding at the poll and of the ward or polling subdivision:

- (a) The statement of votes given for each candidate and of the rejected ballot papers;
- (b) The used ballot papers which have not been objected to and have been counted;
- (c) The ballot papers which have been objected to, but which have been counted by him;
- (d) The rejected ballot papers;
- (e) The spoiled ballot papers;
- (f) The unused ballot papers;
- (g) A statement of the number of electors whose votes have been marked by the officer presiding at the poll under section 138 hereof, with the declarations of inability; and the notes taken of objections made to ballot papers found in the ballot box.

Presiding
officer's oath
on return

150. Before returning the list of electors and poll book to the returning officer, the officer presiding at the poll shall make and subscribe before a justice of the peace or before the poll clerk his declaration under oath that the list of electors and poll book were used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made; which declaration may be in the following form:

"I, *C.D.*, the undersigned deputy returning officer (or assistant deputy returning officer) for ward No.----- (or for polling subdivision No.----- of ward No.-----) of the City of Edmonton, do solemnly swear (or if he is a person permitted by law to affirm, do solemnly affirm) that to the best of my knowledge the annexed list of electors and poll book used in and for the said ward (or polling subdivision) at the election held on the----- day of December, 19----, were so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

C.D.,

Deputy Returning Officer

(or Assistant Deputy Returning Officer).

"Sworn (or affirmed) before me at the City of Edmonton this----- day of----- A.D., 19--.

K.Y.,

Justice of the Peace (or as the case may be)."

and shall thereafter be annexed to the list of electors, and such list of electors, poll book and declaration may be inspected at any time in the presence of the city clerk by any elector.

151. The deputy returning officer (or assistant deputy returning officer) shall forthwith deliver such packets personally to the returning officer; and if owing to illness or other cause he is unable to do so, he shall deliver such packets to a person chosen by him for the purpose; and shall write on the outside of the cover of each of the packets the name of the person to whom the same has been so delivered, and shall take a proper receipt therefor. He shall also forthwith return the ballot box to the returning officer.

Delivery to
returning
officer

152. The packets shall be accompanied by a statement made by the deputy returning officer (or assistant deputy returning officer) showing the number of ballot papers entrusted to him, and accounting for them under the heads of:

Ballot paper
account

1. Counted;
2. Rejected;
3. Unused;
4. Spoiled;
5. Ballot papers given to electors who afterwards returned the same declining to vote; and
6. Ballot papers taken from the polling place;

Which statement shall give the number of papers under each head, and is in this Act referred to as "The Ballot Paper Account."

153. The returning officer after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, without opening any of the sealed packets of ballot papers, cast up from the statements the number of votes for each candidate, and shall at the city hall or at some other public place at noon on the second day following the taking of the poll publicly declare to be elected the candidate or candidates having the highest number

Declaration
of election

of votes for each office to be filled by the election, but subject always to the provisions of section 19 of this Act. He shall also post up at the city hall a statement under his hand showing the number of votes polled for each candidate.

Returning
officer's
casting vote

154. In case it appears upon the casting up of the votes as aforesaid that two or more candidates for any office have an equal number of votes, the returning officer, whether otherwise qualified or not, shall at the time when he declares the result of the poll give a casting vote so as to decide the election.

Returning
officer not
to vote

155. Except in such case no returning officer shall vote at any election.

Officers can
vote

156. All deputy returning officers, assistant deputy returning officers, poll clerks and constables shall, if otherwise qualified, be entitled to vote.

Assumption
of office

157. The person or persons elected as aforesaid shall make the necessary declarations of office and qualification and shall assume office accordingly.

Candidates
and Agents

158. When in the sections of this part of this Act expressions are used requiring or authorizing any act or thing to be done or implying that any act or thing is to be done in the presence of the agents of a candidate or candidates, such expressions shall be deemed to refer to the presence of such agents as are authorized to attend and as have in fact attended at the time and place where such act or thing is being done; and if the act or thing is otherwise duly done, the non-attendance of any agent at such time and place shall not invalidate it.

Candidate
acting on
his own
behalf

159. A candidate may himself undertake the duties which any agent of his might have undertaken, or he may assist his agent in the performance of such duties, and may be present at any place at which his agent is by this Act authorized to attend; but no candidate shall be present at the marking of a ballot for an elector under section 138 hereof.

Errors not
affecting
results

160. No election shall be declared invalid by reason of a non compliance with the provisions of this Act as to the holding of a poll or the counting of the votes, or by reason of a mistake in the use of any of the forms contained in this Act, or by reason of any other irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non compliance, mistake or irregularity did not affect the result of the election.

Expenses

161. All reasonable expenses incurred at any election under this Act shall be paid by the city treasurer out of the funds of the city upon the production to him of proper accounts verified in such manner as the council may direct.

162. Forthwith after the election the returning officer shall deliver to the city clerk the ballot boxes, packets and returns aforesaid, and the city clerk shall thereafter be responsible for their safe keeping and for their delivery when required. Returns to city clerk

163. No person shall be allowed to inspect any ballot papers in the custody of the city clerk except under order of a judge, to be granted by the judge upon satisfactory evidence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto, or for the purpose of taking proceedings under this Act to contest an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the city clerk. Inspection of ballot papers with city clerk

164. The order shall state the time and place for inspecting such papers, and shall name the persons to be present at such inspection, and shall be made subject to such conditions as the judge thinks expedient. Order for inspection

165. The city clerk shall retain for one month all ballot papers received by him, as aforesaid and shall then, unless otherwise ordered by a judge, cause them to be destroyed in the presence of two witnesses, whose affidavit that they have witnessed the destruction of the said papers shall be taken before the mayor or a justice of the peace and filed by the city clerk among the records of the city. Destruction of ballot papers

RECOUNTS

166. In case at any time within fourteen days from the time when the ballot papers used at any election have been received by the city clerk it is on the affidavit of a credible person made to appear to a judge that a deputy returning officer (or assistant deputy returning officer) in counting the votes given at any election has improperly counted or rejected any ballot papers, the judge may appoint a time to recount the votes; and he shall cause notice in writing to be given to the candidate or candidates whose seat or seats may be affected of the time and place at which he will proceed to recount the same. Order for recount

167. At the time of the application for a recount the applicant shall deposit with the clerk of the court the sum of \$25 as security for the payment of costs and expenses, and the said sum shall not be paid out by the clerk without the order of the judge. Deposit

168. The judge, the city clerk with the ballot boxes, and each candidate and his agent notified to attend the recount of votes, and representatives of the press, and no other person, except with the sanction of the judge, shall be entitled to be present at the recount of the votes. Attendance

Procedure at
recount

169. At the time and place appointed the judge shall proceed to recount all the ballot papers received by the city clerk from the returning officer as having been given in the election complained of, and he shall in the presence of the parties aforesaid, if they attend, or in the presence of such of them as do attend, open the sealed packets containing (a) the used ballot papers which have not been objected to and have been counted; (b) the ballot papers which have been objected to, but which have been counted by the deputy returning officer, or assistant deputy returning officer; (c) the rejected ballot papers; (d) the spoiled ballot papers; and (e) the unused ballot papers. In recounting the votes care shall be taken that the mode in which any particular elector has voted shall not be discovered.

Time for
counting

170. The judge shall as far as practicable proceed continuously with the recount of the votes, allowing only time for refreshment, excluding only Sundays and on other days (except so far as he and the parties aforesaid agree) the hours between six o'clock in the evening and nine o'clock on the succeeding morning. During the excluded time the judge shall place the ballot papers and other documents relating to the election under his own seal and the seals of such others of the parties as desire to affix their seals and shall otherwise take precautions for the security of the papers and documents.

Mode of
counting

171. The judge shall proceed to recount the votes as follows:

1. He shall examine the ballot papers.
2. Any ballot paper on which votes are given for more candidates than are to be elected for the office in question, or on which anything except the initials of the deputy returning officer, or assistant deputy returning officer, on the back is written or marked by which the elector can be identified, and any ballot paper which has been torn, defaced or otherwise dealt with by the elector so that he can thereby be identified, shall be void and shall not be counted. A ballot paper on which votes are given for a greater number of candidates for any office than the elector is entitled to vote for shall be void as regards all the candidates for that office, but shall be good as regards the votes for any other office in respect to which the elector has not voted for more candidates than he is entitled to vote for, but no word or mark written or made or omitted to be written or made by the deputy returning officer or assistant deputy returning officer, on the ballot paper, shall affect the vote.
3. The judge shall take note of any objection made by a candidate or by his agent to any ballot paper, and shall decide any question arising out of the objection; and the decision of the judge shall be final.
4. The judge shall then count the votes given for each candidate upon the ballot papers not rejected, and shall make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him; which statement shall be made under the several heads following:

- (a) Names of the candidates;
- (b) Number of votes for each candidate;
- (c) Ballot papers wanting initials of deputy returning officer or assistant deputy returning officer;
- (d) Ballot papers rejected as marked for more candidates than were to be elected;
- (e) Ballot papers rejected as having upon them a writing or mark by which the elector can be identified, or as torn, defaced or otherwise dealt with by the elector so that he can thereby be identified;
- (f) Ballot papers rejected as unmarked or void for uncertainty.

5. Upon the completion of the recount, or as soon as he has thus ascertained the result of the voting, the judge shall seal up all the ballot papers in separate packets and shall forthwith certify the result to the city clerk, who shall thereupon by notice to be posted in his office, declare elected, subject to the provisions of section 19 of this Act, the candidate having the highest number of votes; and in case of an equality of votes, the city clerk shall have the casting vote.

172. All costs, charges and expenses of and incidental to an application for a recount and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportions as the judge may determine, regard being had to any costs, charges or expenses which in the opinion of the judge have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent. Costs of recount

(2) The costs shall be on the supreme court scale and may, if the judge so orders, be taxed in the same manner and according to the same principles as costs are taxed between solicitor and client.

(3) The payment of any costs ordered by the judge to be paid may be enforced by execution to be issued upon filing the order of the judge, and a certificate showing the amount at which the costs were taxed, and an affidavit of the non-payment thereof.

PENALTIES

173. No person shall—

- (a) Without due authority supply any ballot paper to any person; or
- (b) Fraudulently put into a ballot box any paper other than the ballot paper which he is authorized by law to put in; or
- (c) Fraudulently take out of the polling place any ballot paper; or
- (d) Without due authority destroy, take, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purpose of the election; or

Election offences

- (e) Apply for a ballot paper in the name of some other person, whether such name is that of a person living or dead, or of a fictitious person, or advise or abet, counsel or procure any other person so to do; but this provision shall not be construed as including a person who applies for a ballot paper believing that he is the person intended by the name entered on the list of electors in respect of which he so applies; or
 - (f) Having voted once, and not being entitled to vote again at an election, apply at the same election for a ballot paper in his own name, or advise or abet, counsel or procure any other person so to do; or
 - (g) Print or cause to be printed or distributed any circular, card, poster, bill or other paper having a colourable resemblance to a ballot paper prepared by the returning officer, indicating or showing the same to be marked for any candidate, or candidates; provided that this provision is not intended to prohibit the publication of any circular, card, poster, bill or other paper having thereon the names only of candidates in alphabetical order; or
 - (h) Without due authority prints or distributes or causes to be printed or distributed any circular, card, poster, bill or other paper whatsoever containing the name of any candidate for election in connection with the names of other candidates, for the purpose of soliciting or influencing votes for such candidate; or
 - (i) Post up within or on the outside of any building used for a polling place or distribute within such building or within twenty-five feet thereof, any election circular, card, poster, bill or other paper.
- (2) No person shall attempt to commit any offence specified in this section.
- (3) A person guilty of any violation of this section shall be liable on summary conviction, if he is the returning officer, to imprisonment for any term not exceeding two years, with or without hard labour; and if he is any other person, to imprisonment for a term not exceeding six months, with or without hard labour or to a fine of not less than \$50 nor more than \$500, or to both fine and imprisonment.

Case of
returning
officer, etc.

174. Every returning officer, deputy returning officer, assistant deputy returning officer or poll clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of sections 121 to 173 inclusive hereof, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of \$200.

Case of
officers and
agents at
polling
places

175. Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk or agent, or other person shall interfere with or attempt to interfere with an elector when marking his

ballot paper, or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any elector at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any elector at such polling place is about to vote or has voted.

(4) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given.

(5) No person shall directly or indirectly induce an elector to display his ballot paper after he has marked the same, so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot paper.

(6) Every person who acts in contravention of this section shall be liable on summary conviction before a justice of the peace or magistrate of police to imprisonment for any term not exceeding six months with or without hard labour, or to a fine of not less than \$50 nor more than \$500, or to both fine and imprisonment.

CORRUPT PRACTICES

176. The following persons shall be deemed guilty of bribery ^{Bribery} and shall be punishable accordingly:

1. Every person who directly or indirectly by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises any office, place or employment to or for any elector, whether at any election or in voting upon a by-law, or to or for any person on behalf of any elector or any person, in order to induce any elector to vote or to refrain from voting at an election or to vote or refrain from voting upon a by-law for raising money or creating a debt, or who corruptly does any such act as aforesaid on account of such elector having voted or having refrained from voting at such election or upon such by-law;

2. Every person who directly or indirectly by himself or by any other person on his behalf makes any gift, loan, offer, promise or agreement as aforesaid to or for any person in order to induce such person to procure or defeat or endeavour to procure or defeat the return of any person to serve in the council, or to procure or defeat the passing of any by-law as aforesaid, or the vote of any elector at an election or at the voting upon any by-law;

3. Every person who by reason of any such gift, loan, offer, promise, procurement or agreement procures or engages or promises or endeavours to procure or defeat the return of any person in an election, or to procure or defeat the passing of any by-law as aforesaid, or the vote of any elector at an election or at the voting upon a by-law;

4. Every person who advances or pays or causes to be paid money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at an election or at any voting upon such by-law, as aforesaid, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election or at the voting upon any such by-law;

5. Every elector who before or during an election or before or during the voting on any such by-law directly or indirectly or by himself or any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person for voting or agreeing to vote or refraining or agreeing to refrain from voting at any such election or upon any such by-law;

6. Every person who after any such election or the voting upon any such by-law, directly or indirectly, by himself or any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any such election or upon any such by-law;

7. Every person who hires horses, teams, carriages or other vehicles for the purpose of conveying electors to or from the polls, and every person who receives pay for the use of any horses, teams, carriages or other vehicles for the purpose of conveying electors to or from any poll as aforesaid.

Undue
influence

177. Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens the infliction by himself, or by or through any other person of any injury, damage, harm or loss, or in any manner practices intimidation upon or against any person, in order to induce or compel any such person to vote or refrain from voting at any election or at the voting upon any by-law, or on account of any such person having voted or refrained from voting thereat or thereon, or who by abduction, duress or any fraudulent device or contrivance impedes, prevents or otherwise interferes with the free exercise of the franchise of an elector, or thereby compels, induces, or prevails upon an elector to give or refrain from giving his vote at any election or at the voting upon any by-law, shall be deemed to have committed the offence of undue influence.

Personal
expenses
allowed

178. The actual personal expenses of a candidate, his expenses for actual professional services performed, and all *bona fide* payments for rents of halls and committee rooms and the fair cost of printing and advertising, shall be held to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act.

179. Where upon a motion in the nature of a *quo warranto* Evidence on
a question is raised as to whether the candidate or any elector *quo warranto*
has been guilty of any violation of section 176 or section 177
hereof, affidavit evidence shall not be used to prove the offence,
but it shall be proved by *viva voce* evidence.

180. Any candidate elected at an election who is found Forfeiture and
guilty by a judge upon the hearing of a motion in the nature *disqualification*
of a *quo warranto* of any act of bribery or of using undue in- *of candidates*
fluence as aforesaid, shall forfeit his seat and shall be ineligible
as a candidate at any election for four years thereafter.

181. Any person who is adjudged guilty of any offence Disqualifica-
within the meaning of section 176 or section 177 hereof shall *tion of*
incur a penalty of \$100, and shall be disqualified from voting *elector*
at any election or upon any by-law for the next succeeding
two years.

182. The money penalty imposed by the preceding section Recovery of
shall be recoverable with full costs of suit (Class A) by any *Penalties*
person who sues for the same in the supreme court, and any
person against whom such judgment is rendered shall be in-
eligible either as a candidate or as an elector until the amount
so recovered against him has been fully paid and satisfied.

183. The judge shall direct that, in default of payment Imprisonment
of the said penalty and costs within the time fixed by the
judge, the offender shall be imprisoned for such period not
exceeding thirty days as is directed by the said judgment,
and in case of such default of payment the judge shall issue a
warrant for the arrest and imprisonment of the offender in
accordance with the said judgment, until the penalty and costs
are fully paid or for such other period as the order may direct.

184. The judge who finds any candidate guilty of a con- Judge's report
travention of section 176 or section 177 hereof, or who adjudges
any person to pay any penalty imposed under section 181
hereof, shall report the same forthwith to the city clerk.

185. The city clerk shall enter in a book to be kept for Record of
the purpose the names of all persons who have been so ad- *disqualified*
judged guilty of any offence within the meaning of section 176 *persons*
or section 177 hereof and whose names have been reported to
him by the judge aforesaid.

186. Every witness shall be bound to attend before the Attendance
judge upon being served with a subpoena directing his atten- *of witnesses*
dance and upon payment of the necessary witness fees and con-
duct money, and in default thereof, he may be punished for
contempt.

187. No person shall be excused from answering any Privilege of
question put to him upon the hearing of any motion in the *witnesses*
nature of a *quo warranto* or in any proceeding touching or
concerning any election or the voting upon any by-law or the

conduct of any person in relation thereto, on the ground of any privilege or on the ground that the answer to the question will tend to criminate him; but no answer to any such question shall be used in any proceeding under this Act against such person if the judge gives to him a certificate that he has made full and true answers to the satisfaction of the judge.

Time limit
for pro-
ceedings

188. All proceedings under this part of this Act other than an application in the nature of a *quo warranto* against any person for any violation of section 176 or section 177 hereof shall be commenced within four weeks after the election at which the offence is alleged to have been committed, or within four weeks after the day of the voting upon a by-law as aforesaid.

Exemption
from
penalties

189. No pecuniary penalty or forfeiture imposed by this Act shall be recoverable for any act of bribery or corrupt practice at an election or at the voting upon a by-law in case it appears that the person charged and another person or other persons were together guilty of the act charged either as giver or receiver or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted the other person or persons or any of them for the said act; but this provision shall not apply in case the judge before whom the person claiming the benefit thereof is charged certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence charged and was in fact the principal offender.

Publication
of above
clauses at
polling place

190. The city clerk shall prior to every election or the voting upon any by-law furnish every deputy returning officer and assistant deputy returning officer with at least two copies of the sections numbered 176 to 189 inclusive hereof; and it shall be the duty of the officer presiding at every polling place to post the same in conspicuous places at his polling place and to see that they are kept posted up during the hours of polling.

CONTESTED ELECTIONS

Trial of
contested
elections

191. In case the validity of the election of the mayor or of an alderman, or his right to hold the seat, is contested, the same may be tried by a judge. Any candidate at the election or any elector who gave or tendered his vote thereat, or (in case of an election by acclamation, or in case the right to sit is contested on the ground that a member of the council has become disqualified or has forfeited his seat since his election) any elector may be the relator for the purpose.

Notice of
motion

192. If within six weeks after an election a relator shows by affidavit to a judge reasonable ground for supposing that the election was not legal or was not conducted according to law, or that the person declared elected thereat was not duly elected, or for contesting the validity of the election of the mayor or of any alderman, or in case at any time a relator

shows by affidavit to a judge reasonable ground for supposing that a member of the council has forfeited his seat or has become disqualified since his election and has not resigned his seat, the judge may grant his fiat authorizing the relator, upon entering into a sufficient recognizance as hereinafter provided, to serve a notice of motion in the nature of a *quo warranto* to determine the matter.

(2) The recognizance shall be entered into before the judge or before a commissioner for taking affidavits by the relator in the sum of \$200 and by two sureties (to be allowed as sufficient by the judge upon affidavits of justification) each in the sum of \$100; and shall be conditioned to prosecute the motion with effect and to pay to the party against whom the motion is made (who is herein called "the respondent") any costs which may be adjudged to him against the relator.

(3) When the sufficiency of the said sureties has been determined and the said recognizance has been allowed as sufficient by the judge, he shall note or indorse thereon and upon the fiat allowing service of the notice of motion the words "recognizance allowed" and shall initial the same.

193. The notice of motion shall be at least a seven clear days' notice, and it may either state the return day of the motion, or may state that the notice will be made on the eighth day after the day of service of the notice excluding the day of service. Contents of notice
192 Cap. 71. § 1.

(2) The relator in his notice of motion shall set forth his name in full, his occupation, place of residence, and the interest which he has in the election as a candidate or as an elector, and shall also state specifically under distinct heads all the grounds of objection to the validity of the election complained against, and in favour of the validity of the election of the relator, or of any other person or persons, where the relator claims that he or they or any of them have been duly elected, or on the grounds of forfeiture or disqualification of the respondent or as the case may be.

194. Before serving his notice of motion the relator shall file all the affidavits and material upon which he intends to rely, except where *viva voce* evidence is to be taken. In that case he shall name in his notice the witnesses whom he proposes to examine. Affidavit

195. The notice shall be served in such manner as the judge shall direct. Service of notice

196. Service of the notice of motion shall be made within two weeks from the date of the fiat so granted by the judge unless otherwise ordered by the judge. Time of service

197. In case the relator alleges that he himself or some other person has been duly elected, the motion shall be to try the validity both of the election complained of and of the alleged election of the relator or other person or persons. Claim to seat

Combination
of motions

198. In case any of the grounds of objection apply equally to two or more persons elected the relator may proceed by one motion against such persons.

Grounds of
claim to be
set forth

199. Upon the hearing of the motion the relator shall not be allowed to object to the election of the respondent or to attack his right to sit or to support the election of any person alleged to have been duly elected, upon any ground not specified in the notice of motion; but the judge in his discretion may entertain any substantial ground of objection to or in support of the validity of the election of either or any of the parties as may appear in the evidence before him.

Production
of papers

200. The judge may require the city clerk to produce before him such ballot papers, books, electors and other lists and such records of the election and papers in his hands connected therewith as to the judge may from time to time seem fit.

Returning
officer, etc.,
may be added
as party

201. The judge may if he thinks proper at any stage of the proceedings make an order adding the returning officer or any deputy returning officer or assistant deputy returning officer or any person as a party thereto.

Intervention
of other
parties

202. The judge may allow any person entitled to be a relator to intervene and prosecute or defend and may grant a reasonable time for the purpose; and an intervening party shall be liable or entitled to costs like any other party to the proceedings.

Hearing

203. The judge shall in a summary manner, without formal pleadings, hear and determine the validity of the election and the right of the respondent to sit; and may inquire into the facts on affidavit or affirmation or by oral testimony.

Secrecy of
vote

204. No person who has voted at an election shall in any legal proceedings to question the election or return or otherwise relating thereto be required to state for whom he has voted.

Judgment

205. In case the election complained of is adjudged invalid, the judge shall by the judgment order the respondent to be removed and his seat shall *ipso facto* be vacated; and in case the judge determines that any other person was duly elected, the judge shall forthwith order such other person to be admitted to the office.

Costs against
returning
officer

206. Where an election has been held invalid owing to the improper refusal of any returning officer, or deputy returning officer, or assistant deputy returning officer, to receive ballot papers tendered by duly qualified electors, or to give ballot papers to duly qualified electors, the judge may in his discretion order the costs of the proceedings to unseat the person declared elected, or any part thereof, or any other costs, to be paid by such returning officer, deputy returning officer, or assistant deputy returning officer.

(2) Nothing herein contained shall affect any right of action against a returning officer, deputy returning officer, or assistant deputy returning officer, or shall be deemed to relieve such returning officer, deputy returning officer, or assistant deputy returning officer, from any other penalty or punishment to which he may be liable under the provisions of this Act.

207. After the adjudication upon the case an order shall be drawn up in the usual manner, which shall state concisely the grounds and effect of the decision, which order may at any time be amended by the judge in regard to any matter of form, and the order shall have the same force and effect as a writ of mandamus formerly had in the like case. ^{Form of order}

208. The judge shall immediately after his decision return his order, with all things had before him touching the same, to the proper office of the court in which the proceedings are entitled, there to remain of record as a judgment of the court, and as occasion requires the judgment may be enforced in the same manner as an ordinary order of mandamus and (for the costs awarded) by writ of execution. ^{Return of order}

208a. In case the validity of any election or the right of any person to sit as a member of the council or the term for which any person has the right to sit shall depend wholly or in part upon the construction of any section, clause or proviso of *The Edmonton Charter*, the judge may order the whole or any part of the costs of the proceedings before him to be paid by the City. ^{Costs may be awarded against city}

209. Any person whose election is complained of (unless such election is complained of on the grounds of corrupt practices on the part of such person), or any person whose seat is attacked on the ground that he has become disqualified or has forfeited his seat, may within one week after service on him of a notice of motion as aforesaid transmit post paid through the post office directed to "The Clerk of the Supreme Court, Edmonton," and also to the relator or his advocate, or he may cause to be delivered to the said clerk and to the relator or his advocate, a disclaimer signed by him in the form or to the effect following: ^{Disclaimer after motion}

"I, A.B., upon whom notice of motion in the nature of a *quo warranto* has been served for the purpose of contesting my right to the office of mayor (or alderman) of the City of Edmonton, do hereby disclaim the said office and all defence of any right I may have to the same.

"Dated this _____ day of _____ A.D., 19...
A.B."

210. The disclaimer or the envelope containing the same shall be endorsed on the outside thereof with the word "Disclaimer," and if posted shall be registered at the post office where it is posted. A duplicate of the disclaimer shall also be delivered to the city clerk, who shall forthwith communicate the same to the council. ^{Transmission}

Disclaimer
before
motion

211. Where there has been a contested election, the person elected may at any time after the election and before his election is complained of deliver to the city clerk a disclaimer signed by him as follows:

"I, A.B., do hereby disclaim all right to the office of mayor (or alderman) for the City of Edmonton, and all defence of any right I may have to the same.

"Dated this-----day of-----A.D., 19----
A.B."

Effect of
disclaimer

212. A disclaimer filed under section 211 hereof shall relieve the person making it from all liability to costs, and where a disclaimer has been made in accordance with section 209 or section 211 hereof, it shall operate as a resignation, and the vacancy so created shall be filled in the manner provided by section 27 of this Act.

Procedure

213. The procedure in any proceedings under sections 191 to 208 inclusive of this Act shall be that of the supreme court in like cases so far as the same is applicable.

SCHOOL TRUSTEES

Notice
from board

214. The board of public and of separate school trustees of the City of Edmonton shall give notice to the city clerk on or before the fifteenth day of October in each year of the number of vacancies required to be filled to make the school boards complete.

Nomination
and election

215. When notice has been given to the city clerk as provided in the next preceding section the nomination and election of school trustees shall be held at the same time and place and by the same officers and shall be conducted in the same manner as the nomination and election of mayor and aldermen.

Voting for
school
trustees

216. All the provisions in this Act contained respecting the election and qualification of aldermen and the qualification of electors shall *mutatis mutandis* apply to the election of school trustees, except that women shall be eligible to be elected as school trustees.

Separate
school
supporters

217. In the preparation of the lists of electors the assessor shall from the assessment roll and by such other means as he can, ascertain in respect of each person whose name appears on such lists of electors whether he is a supporter of the public or separate schools and shall place opposite the names of any persons whom he ascertains to be separate school supporters the letter "S." All electors opposite whose names the letter "S" is not placed shall be deemed to be public school supporters.

(2) Every elector who wrongly appears as a public or separate school supporter on said lists of electors may apply to the revising officer to have said lists corrected.

(3) No officer presiding at a poll shall deliver to any person opposite whose name "S" appears, a ballot paper for the public school trustees; provided however, that if any elector before

marking his ballot paper shall declare that he is wrongly set down on the lists of electors as a public or separate school supporter, the officer presiding at the poll shall administer to him the following oath:

"You swear that you are the person whose name appears on the lists of electors as-----; that you are wrongly entered thereon as a public (*or separate*) school supporter."

Upon the elector having taken such oath the officer presiding at the poll shall cause the lists of electors and the poll book to be amended accordingly.

(4) As soon as he conveniently can after the election the returning officer shall furnish the assessor with a list of the persons at whose instance the said lists of electors have been so amended.

218. In case any objection is made to the right of any ^{Oaths} person to vote at any election of school trustees, the officer presiding at the poll shall require the person whose right of voting is objected to to take the oaths required by section 131 hereof.

219. A separate set of ballot papers shall be prepared by ^{Form of ballot} the returning officer at each election containing the names of the candidates nominated for school trustees in the same form as those used for the election of aldermen, except that the words "Public (or Separate) School Trustee" shall be substituted for the word "Alderman" thereon.

219a. In all elections the cost thereof shall be divided ^{Division of election expenses} between the City and the boards of trustees of the said school districts at a *pro rata* rate according to the number of vacancies to be filled.

(a) In votings on referred by-laws or other matters any charge peculiar to or occasioned by any of said bodies shall be borne by it and the general costs of the reference shall be borne *pro rata* according to the aggregate amount of the by-laws referred; provided that where any matter referred is not a money by-law and the parties cannot agree as to the proper division of the cost, the Board of Public Utility Commissioners shall apportion the same.

(3) In the event of any dispute arising by reason of any matters contained in this section the same shall be decided by the Board of Public Utility Commissioners.

PART V.

POWERS AND DUTIES OF THE COUNCIL

LEGISLATIVE JURISDICTION

220. The jurisdiction of the council shall be confined to ^{Jurisdiction confined to city} the limits of the city, except where authority beyond the same is expressly given by this or any other Act.

City
by-laws

221. The council may make by-laws and regulations for the peace, order, good government and welfare of the City of Edmonton, and for the construction, maintenance and operation of ferries running within or within and without the city, and for the issue of licenses and payment of license fees in respect of any business; and for inspecting and regulating slaughter-houses, dairies and other places outside the limits of the city from or through which food is brought for sale within the city, and making building and sanitary regulations for said slaughter-houses, dairies and other places:

Provided that any such by-law or regulation shall not be contrary to the general law of the province, and shall be passed *bona fide* in the interests of the City of Edmonton; provided also that the council shall not have the power of constituting courts or appointing judicial officers; provided further that no by-law prescribing areas within which no business or particular business shall be carried on, or to prohibit the carrying on within the city of any business in the opinion of the council likely to become a nuisance, shall have more than one reading at any one meeting of the council.

Taxi-cabs
and jitneys

(2) For licensing and regulating all motor vehicles, within the meaning of "motor vehicle" as defined in the interpretation section of *The Motor Vehicle Act*, carrying passengers and used for plying for hire within the municipality; and with respect to motor vehicles licensed under said Act (but so that the general powers which may be exercised under this subsection shall not be in any way limited to the matters specifically stated) to provide:—

- (a) For limiting the number of passengers and the quantity and weight of freight or other articles to be carried in each motor vehicle;
- (b) For defining the places in or upon the motor vehicle in which passengers, freight and articles may be carried;
- (c) For naming or defining the routes, streets or limits on or within which each motor vehicle may be operated, and limiting the number of motor vehicles which may be driven or operated on any route or street or within any limits so defined;
- (d) For limiting the number of hours and fixing the period in each day during which the motor vehicle may be operated or driven by any one person.

Impounding
of animals
running at
large

(3) Notwithstanding the provisions of the Domestic Animals Act or any other Act or Ordinance, the council of the City shall have exclusive jurisdiction within the city to pass by-laws for restraining and regulating the running at large or trespassing of any animals and for providing for distraining and impounding them and for determining the compensation to be allowed for carrying out the provisions of such by-law and for services rendered in respect to and sustenance supplied for animals distrained or impounded; for appointing pound-keepers and providing sufficient yards, buildings and enclosures for the safe keeping of such animals as it may be the duty of the poundkeeper to impound; for appraising the damages to be

paid by the owners of animals impounded for trespassing and (subject to the provisions hereinafter referred to) for providing for the sale of animals impounded in case they are not claimed within a reasonable time or in case the damages, costs and expenses are not paid;

(4) Compelling the destruction of noxious weeds and plants by the owner or occupant of the premises upon which or upon the highways abutting which the same may be growing or standing, or in default of the owner or occupant destroying or removing the same the city may provide for destroying and removing the same, and charging the expenses so incurred as part of the municipal taxes against such premises for the current year.

(5) Compelling every person, firm or corporation carrying on any profession, business, calling, trade or occupation, either permanently or temporarily, to register his or its name in such manner as the council shall order, and fixing the fee payable for registration, which fee may be in addition to any taxes, license fees or other civic imposts.

(6) The council may also make by-laws:—

(a) ~~To prevent, regulate, govern and control boxing bouts and contests within the city;~~

Boxing
commission

1932 Chap 71 S 20

(b) To create, organize and constitute a commission of resident citizens of the said city, of such number as the council may decide, and provide that all such bouts or contests within the said city shall be held under the supervision, management and control of such commission;

(c) Prescribe such conditions, rules, regulations and directions as the council may deem advisable governing the commission in the exercise of its functions.

(d) 1932 Chap 71 S 20

(7) The council may subject to the approval of the Board of Public Utility Commissioners pass by-laws prescribing the space to be left vacant about buildings, limiting the number and nature of buildings to be erected on any lot or parcel of land having regard to the nature and situation of the land, and for such purpose may divide the city into zones or districts and may make any such by-law or any part applicable to any particular zone, or district or to any street or part thereof.

Building
restrictions

(8) The council may, subject to approval of the Board of Public Utility Commissioners, pass by-laws for declaring any highway or part of a highway to be a residential street and for prescribing the distance from the line of the street in front of and at the side of it at which no building on a residential street may be erected or placed. It shall not be necessary that the distance shall be the same on all parts of the same street.

Residential
streets

(9) For setting aside, authorizing and assigning any part of the centre or sides of any public highway for the purpose of leaving vehicles or any class or classes of vehicles standing thereon and authorizing and assigning stands for vehicles for hire on the public highways and in public places and assigning any particular stand or stall to any particular person.

Parking
areas

(10) 1932 Chap 71 S 21

(4) Compelling the destruction of noxious weeds and plants by the owner or occupant of the premises upon which or upon the highways abutting which the same may be growing or standing, or in default of the owner or occupant destroying or removing the same the city may provide for destroying and removing the same, and charging the expenses so incurred as part of the municipal taxes against such premises for the current year.

(6) The council may also make by-laws:—

(c) Prescribe such conditions as may be regulations or orders directing as the council may deem advisable governing the commission in the exercise of its functions.

(d) To delegate to the said commission any of its powers granted by this sub-section.

1932 Chap. 71, Section 20.

and having regard to the nature and situation of the land, and for such purpose may divide the city into zones or districts and may make any such by-law or any part applicable to any particular zone or district or to any street or part thereof.

(7a) The council may in any by-law here-
tofore or hereafter passed relating to the
construction, erection, sanitation or use
of buildings or other similar by-law,
create an appeal board for the purpose of
dealing with and adjudication upon any
questions which may arise under the pro-
visions of any such by-law, with power to
prescribe the duties and powers of said
board; to fix the number of members standing
thereof and their tenure of office.

1932 Chap.71, Section 15.

Noxious
weeds

221A. In addition to, but not in substitution for, any other powers, the council may by resolution, from time to time fix a date upon which all or any variety of noxious weeds or plants growing, standing or being upon any lands in the city or upon the highways adjacent thereto, shall be destroyed, with power to fix a different date for different varieties of weeds. Such date or dates shall be advertised by at least one insertion in two newspapers published in the City of Edmonton, such insertion or the last insertion being at least ten days before the date or dates set by such resolution. The city may by its employees or agents at any time thereafter and from time to time enter upon any land and destroy and remove any noxious weeds or plants growing, standing or being thereon or upon the highways adjacent thereto, and charge the expenses so incurred as part of the municipal taxes for the then current or next succeeding year against the land upon which or upon the highways abutting thereon the said expenses have been incurred.

Garbage
disposal

221B. If the council pass a by-law establishing a system for the collection, removal and disposal of ashes, garbage, refuse and waste matter, either as a municipal undertaking or by contract, all matters collected by the city or contractor shall become the property of the city and may be sold or disposed of as the council shall direct.

(2) Any such by-law may prohibit the collection or disposal of any of such matters for use within or without the city except under the provisions thereof: Provided that any manufacturing or trade waste or manure which any person shall produce on his own premises and are intended to be removed for sale or for his own use may be removed or disposed of under such conditions and regulations as the council may direct.

Sanitation

221C. For the purpose of cleaning privies the council may charge to all assessed owners of buildings upon lands abutting upon any street, lane or public place through or along which a sewer and water main are laid and upon which land any building exists used in whole or in part as a dwelling and not connected with a sewer, a sum not exceeding \$10 per annum; and may charge to all assessed owners of buildings upon lands which abut upon a street through or along which a sewer and water main are not laid and upon which land any building exists used in whole or in part as a dwelling, a sum not exceeding \$5 per annum; such charges shall be added to the tax roll each year as a special assessment against such building if such building is assessed separately from the land, and if such building and land are assessed to the same owner, then against such lands, and shall be recovered in like manner as other taxes.

Animal
tax

221D. The council may make by-laws for licensing and fixing the license fee payable by any person within the city owning or keeping in his possession or using for any purpose any horse, mare, mule or jack within the city.

(10) The council may also make by-laws-

(a) to create, organize and constitute a commission of residents of the said city of such number as the council may decide, to be known as the "Stadium Commission", which commission when appointed shall have the care, management and control of those premises known as "The stadium" and being that part of Parcel "E", River Lot 20, Plan 2190 E.O. outlined in orange on Plan 2190 E. O., but shall have no power to deal with or dispose of any property or effects appertaining to said Stadium or in any way pledge the credit of the city; or upon

(b) that for the purposes aforesaid to prescribe such conditions, rules, regulations and directions as the council may deem advisable for the purpose of governing the said commission in the exercise of its powers and functions;

(c) delegating to said commission such of its powers which it may deem advisable;

(d) repealing, altering or amending any such by-law, including the abolishing of said commission. 1932 Chap. 71, Section 21.

Sanitation

221C. For the purpose of cleaning privies the council may charge to all assessed owners of buildings upon lands abutting upon any street, lane or public place through or along which a sewer and water main are laid and upon which land any building exists used in whole or in part as a dwelling and not connected with a sewer, a sum not exceeding \$10 per annum; and may charge to all assessed owners of buildings upon lands which abut upon a street through or along which a sewer and water main are not laid and upon which land any building exists used in whole or in part as a dwelling, a sum not exceeding \$5 per annum; such charges shall be added to the tax roll each year as a special assessment against such building if such building is assessed separately from the land, and if such building and land are assessed to the same owner, then against such lands, and shall be recovered in like manner as other taxes.

Animal tax

221D. The council may make by-laws for licensing and fixing the license fee payable by any person within the city owning or keeping in his possession or using for any purpose any horse, mare, mule or jack within the city.

221E. The council may by by-law assess, levy or charge ^{Householder's tax} against each householder, as hereinafter defined, within the city, a sum not exceeding ten per centum of the annual rental value of the premises occupied by such householder, and may in the said by-law provide for any exemptions or deductions, the mode or manner of such assessment, the right of appeal to the council in respect of such assessment, the time within which such appeal shall be made, the manner in which notice of appeal shall be given, the time or times when such assessment shall be made, the time or times of payment, whether by monthly instalments, or otherwise, and the minimum payment which may be made in any one month.

(2) Any such levy or charge shall be collectable by action or distraint and during the period of default in payment the city commissioners may disconnect or discontinue the water, telephone or electricity services to the premises of the person so in default.

(3) For the purposes of this section "householder" shall mean every person in the city over the age of twenty-one years not being the person assessed for the land upon which the dwelling, or part thereof for which he is assessed under this section or a by-law passed thereunder, who occupies any dwelling house or part thereof, as tenant, and shall include any person occupying a room or rooms for residential purposes in any dwelling, apartment house or business block, and the fact that any person is paying a lump sum for both room and board shall not relieve him from the tax hereby imposed. In assessing any such person the assessor may apportion such part of the lump sum as he shall think fit as the rental value of the room occupied by him.

221F. The council may also by by-law provide that every ^{Annual tax in special circumstances} inhabitant of the city who has lived therein for a period of three months or more and who has not been assessed for real property, business or householder's tax for the current year, shall pay an annual tax of ten dollars, to be collected at any time after the first day of July in each year in the same manner as the rental tax hereinbefore provided; provided always that where the tax rated against such person in respect of such real property, business or householder's tax does not amount to the sum of ten dollars in any one year, such person shall pay as a tax under the provisions of this Act the difference between the taxes paid by him and the sum of ten dollars.

(2) In case of neglect or refusal to pay the same within ten days after demand in writing by the assessor or collector, the same may be recovered by action or by distraint and sale of the goods and chattels of the defaulter, with costs of distraint and sale.

221G. Notwithstanding anything contained in *The Edmonton* ^{Motor vehicle tax} *Charter* and amendments thereto or in any other Act or Ordinance, the Council of the City of Edmonton is hereby empowered to impose, levy and collect and make all necessary

regulations by by-law, for the collection of a tax upon the the resident owners of motor vehicles in the City of Edmonton, not exceeding the sum of fifteen dollars per vehicle per year or fraction of a year.

Resident
owner defined

(2) The term "resident owner" shall in addition to its ordinary meaning, include any person who maintains a regular place of business in the City of Edmonton and operates or causes to be operated in connection with such business, any motor vehicle within the limits of the City of Edmonton, notwithstanding the fact that the said person, if an individual, may reside outside the limits of the said city, or if a firm, partnership or corporation, has its head office outside the limits of the said city, and any person resident in the City of Edmonton who regularly operates within the City of Edmonton any motor vehicle with the knowledge and consent of the owner of said motor vehicle.

Provincial
license
conclusive
evidence of
ownership

(3) The fact that any person is the holder of any registration certificate or owner's license issued under the provisions of *The Motor Vehicles Act*, shall be conclusive evidence that the said person is the owner, for the purpose of this tax.

When
imposed

(4) The tax referred to in subsection 1 hereof may be imposed during the year 1924.

Basis of
taxation

(5) The tax in respect of motor vehicles shall be graded upon a basis of weight, horsepower, wheel-base or upon any other principle which the council of the city may from time to time adopt.

Penalties for
non-payment

(6) The penalties for the non-payment of any tax levied in accordance with the foregoing provisions may be as provided in section 522 for non-payment of a license, but the said tax may notwithstanding, be recovered by suit in the name of the city, as an ordinary debt from any person liable to pay the same and may also be recovered by distress and sale of any personal property belonging to such persons at any time after the said tax becomes payable, and the said tax shall, moreover, constitute a special lien on the motor vehicle or vehicles in respect of which the tax is levied, which said lien shall have preference over all liens, charges or claims other than those of the Crown and shall not require registration to preserve it.

Who shall
collect

(7) The said tax shall be collected by the person or persons appointed by the council for the purpose.

Tax to be in
addition to
license fees

(8) The said tax may at the option of the council of the city be imposed, levied and collected in addition to any tax or license fee imposed on the owners or operators of motor trucks or upon persons engaged in the business of motor livery or upon dealers in automobiles, or persons using vehicles in the conduct of any business for the carrying on of which a license is imposed by the city.

Council may
provide
exemptions

(9) The council may provide for such exemptions from the payment of the said tax as the council may deem expedient.

221H. In addition to but not in substitution for the powers ^{Nuisances} given in this charter, the council after due inquiry and hearing all persons requesting to be heard may by resolution or by by-law declare any building, structure or erection of any kind whatsoever, or any drain, ditch, watercourse, pond, surface water or any other matter or thing in or upon any private land, street or road or in or about any building or structure a nuisance and dangerous to the public safety or health, and by such by-law or resolution as may be directed therein order that the same shall be removed, pulled down, filled up or otherwise dealt with by the owner, agent, lessee or occupier thereof, as the council may determine and within such time after service of the order as may be therein named.

(2) At or near the locality of the nuisance so declared a placard shall be posted giving the order provided for herein, and, subject to the provisions of the next following subsection, the order shall be served personally upon the owner, agent, lessee or occupant of the premises.

(3) In case personal service of the order cannot be readily effected, the mailing of a copy of the order in a registered post letter addressed to the registered and assessed owner or owners of the land upon which the nuisance exists shall be good and sufficient notice.

(4) The removal or pulling down of any building, structure or erection may be done by way of selling the building, structure or erection to be pulled down or removed. In which case the net proceeds shall be credited against taxes due upon the lands upon which the same is situate or held by the city and applied upon future taxes.

(5) Any person who thinks himself aggrieved by any such order may within five days after service thereof upon him appeal to a judge of the Supreme Court of Alberta in Chambers, whose judgment shall be final and binding.

221I. The council may take a plebiscite upon any question, ^{Plebiscite} matter or thing it shall see fit and may refer the same to either the electors or the burgesses, and all the provisions of this Act relating to the taking of votes at elections or votings of burgesses shall, as the case may be, apply so far as applicable to and regulate such plebiscite, including the provisions of sections 120 to 190.

221J. Notwithstanding anything contained in any other ^{Traffic} Act, the council of the City of Edmonton may from time to time pass by-laws:—

- (a) to provide that no vehicle, including motor vehicles, shall be turned to the left at any street intersection or intersections named in the by-law;
- (b) to limit the rate of speed at which motor vehicles may be driven in the vicinity of schools or on entering or leaving or driving through any subway.

Working
capital

222. The council may establish a fund for working capital or as an emergency fund, and may from time to time raise moneys therefor, and they may regulate the mode in which such fund shall be used, paid out and recouped; provided always that the using of any part of said fund for any specific purpose shall in no way limit the right of the council to raise separate funds for such purpose in any manner provided for in this Act, in which case the council shall recoup said working capital or emergency fund.

Acquiring
land

223. The council may by by-law, assented to by a majority of the burgesses voting thereon from time to time, contract debts for acquiring for any purposes whatsoever such lands as the council shall deem it expedient to acquire.

(2) It shall not be necessary in any such by-law to state by recital or otherwise the land or lands proposed to be acquired or the purpose or purposes for which it is intended to acquire the same; but a statement that the purpose of creating the debt is "for acquiring land for general unspecified purposes" shall be sufficient.

(3) Any land or lands so acquired may be held, improved, used, leased, sold or otherwise disposed of without the matter being referred to the burgesses, as the council shall from time to time see fit.

(4) The proceeds of the sale of any lands so acquired may be used for acquiring other lands or invested in the same manner as sinking funds, or be used for or loaned to any of the city's public utilities, upon such terms as the council may deem proper.

(5) All income derived from said lands, or from the investment of the proceeds arising from the sale thereof, may be appropriated by the council as if it were money raised by general rate for general municipal purposes.

Acquiring
land for
industrial
undertakings

224. The council may, subject to the assent of the majority of the burgesses voting as hereinafter provided, acquire land within or without the city with the object of selling, leasing or otherwise disposing of the same or any part thereof to or for any industrial, commercial or engineering undertaking; but no gift of any part thereof or lease for a nominal consideration shall be made except the same be assented to as hereinafter provided in the case of "Bonusing."

Acquiring
land for other
undertakings

225. Whenever the council or commissioners desire to undertake any work or enterprise authorized by this or any other Act or Ordinance, and for the purpose of carrying out the same it may become necessary to acquire any land, or any land may become injuriously affected thereby, the council or commissioners, if they deem it expedient, may acquire any adjoining land, or the land that may become injuriously affected, and the surplus of any land so acquired, over and above the land required for the work or enterprise, they may hold, lease, sell or otherwise dispose of.

226. In the event of the council acquiring land for the establishment of a civic centre, with a view to grouping together in some central location the civic offices and other buildings of a public character, it shall be in the power of the council to pass by-laws or regulations prescribing the height, structural character and architectural features of all buildings on lands fronting on or adjoining such civic centre and the uses to which such buildings may be put and prohibiting the use of any such buildings on such fronting or adjoining lands for the exhibition of advertisement hoardings, or the holding of travelling shows, or for any other purpose which the council may deem aesthetically offensive or obnoxious, having regard to the character of the locality as a civic centre; provided always that the council shall not be liable, in respect of any such by-laws or regulations or the enforcement thereof, to make compensation to the owners or occupiers of any lands or buildings affected thereby, excepting only in the event of any building having to be taken down, removed or altered in consequence of such by-laws or regulations, in which case the amount of compensation shall, failing agreement, be determined by arbitration in the manner provided for by Part X of this Act.

Acquiring
land for
civic centre

227. Every by-law for:—

(1) Acquiring, building, carrying on, constructing, improving, leasing, extending, maintaining, managing or operating and acquiring sufficient land for the convenient carrying on of brick works, bridges, cemeteries, coal or gravel areas, coal or gravel pits, crematories, elevators, exhibitions, ferries, jails, lock-up houses, prison farms, reformatories, poorhouses, municipal lodging houses, gas or electric light or power works, hospitals, public libraries, civic centres, manufactories, markets, mills, parks, roads, road or street construction plant or machinery, sewerage or drainage works, street railways or other systems of transportation, flying fields, air harbours, telephone systems, water powers or water works, or other public work or enterprise, where it is not intended that the cost shall be borne out of the municipal revenues for the then current year;

By-laws
two-thirds
majority

(2) Bonusing, whether by way of the payment of a lump sum or of periodical payments or otherwise, exempting from taxation beyond the current year, subscribing for stock in or guaranteeing the payment of debentures issued by any person, syndicate or corporation in respect of any industrial, commercial or engineering or charitable undertaking;

(3) Granting to any telephone syndicate or company, or gas or electric light or power syndicate or company, or street railway syndicate or company, any special franchise whether exclusive or not;

(4) Contracting debts not payable within the current year, or for raising funds for working capital or as an emergency fund;

Shall in all cases receive the assent of two-thirds of the burgesses voting thereon in accordance with the provisions of this Act.

1732 Copl. 8. 35

Provided that in the case of a bonus to any undertaking or institution by way of supplying the same with water, electricity or gas, free of charge, or at a rate which is estimated by the commissioners as less than the actual cost of supply, the amount of such bonus shall be ascertained by the commissioners annually and shall be debited against the general revenues of the city, and credited to the revenues of the municipal public work from which the supply was furnished, and if the term during which the supply is to be furnished does not exceed five years, the bonus may be granted without the assent of the burgesses.

Jurisdiction
in certain
cases beyond
city limits

228. Where the council decides to undertake or assist any of the enterprises mentioned in any of the foregoing sections, it may do so notwithstanding that the same may be wholly or partly without the limits of the city.

Bonusing
prohibited

228A. Notwithstanding any provision herein contained the city shall have no power:

(1) To grant a bonus or any other aid to any person, company or corporation for the construction, establishment or operation of any manufactory, mill or railway or any other business or concern whatsoever either within or without the municipality.

(2) To exempt from taxation any such manufactory, mill or railway or other business or concern, nor subscribe for stock in or guarantee the bonds, debentures or other securities thereof.

Provided that the provisions of this section shall not apply to any agreement in existence at the time of the passing of this amendment between the city and any person, firm or corporation.

Provided also that if the council of any city attempt to pass a by-law contrary to the above provisions in regard to bonusing, each member of the council voting in favor of such by-law shall be liable on summary conviction to a penalty not exceeding one hundred dollars exclusive of costs, and such member of the council shall be disqualified from holding any municipal office for a period of two years.

And provided further that the city may sell to any person firm or corporation, land at any sum not less than the actual cost thereof to the city, plus interest at six per centum per annum from the date of purchase, or acquisition, to the date of sale, or the value thereof according to the last revised assessment roll, whichever may be the lesser, or lease for such purposes any lands, buildings or portion thereof to any person, firm or corporation at a rent not less than a sum equivalent to six per centum per annum of the assessed value thereof according to the last revised assessment roll; and may also sell, distribute or deliver to any person, firm or corporation, light, heat, power, water, gas, oil, electricity or coal at any price not less than the actual cost thereof to the city. The above provisions shall not apply to lands acquired by the city by

means of tax sale proceedings. The council may sell, lease or otherwise dispose of any lands so acquired by auction or private treaty upon such terms and conditions and for such price as it shall consider fair.

229. Where under the provisions of any statute the corporation is required to construct any work or works or do any act or acts for the purpose of carrying out the provisions of such statute, it shall not be necessary to obtain the assent of the burgesses to the passing of a by-law for borrowing the moneys required for the purpose of carrying out the provisions of such statute, but the council shall have full power to pass by-laws in that behalf. ^{Construction works under statutory powers}

230. The council may dispose of or devote to some other municipal purposes in whole or in part any property acquired by the city for a specific purpose when such property is in the opinion of the council no longer required or not required for the time being for the purpose for which it was originally acquired or to which it has been subsequently devoted. ^{Disposal of city properties}

231. The city council may enter into an agreement with the Royal Alexandra Hospital whereby the said hospital may transfer to the city its real and personal property, and the city shall assume and pay the liabilities of the said hospital, and shall henceforth maintain same as a public hospital for the citizens of Edmonton, and shall provide that the said hospital, and any hospital of the city now or hereafter existing shall be managed by a board of management to be known as "The Edmonton Hospital Board" which shall consist of fifteen members, which may hereafter be known as "The Edmonton Hospital Association," and the said hospital board shall have complete control and management of all the affairs of the said hospitals, except that it shall have no power to dispose of, or deal with any of the property or effects thereof, save in the ordinary course of carrying on or conducting the said hospitals, and for greater certainty it is expressly declared that the said hospital board shall have no power or authority to pledge the credit of the city; provided that the teaching rights secured to the University in respect of the civic hospital on the south side of the Saskatchewan River shall continue in force. ^{Hospital Board}

(2) The Edmonton Hospital Board may enter into agreements with individuals or groups of persons for the supplying of hospital benefits and accommodation at a fixed annual payment upon such terms and conditions as it shall see fit; provided that the terms and conditions of agreement shall be approved by the council of the City of Edmonton and that the fixed annual payment in the case of individuals shall be not less than ten dollars.

(3) The said "The Edmonton Hospital Board" is hereby declared to be (and to have been since its inception) a Body Corporate under the name of "The Edmonton Hospital Board," and by the same name it and its successors shall have ^{Hospital Board, a body corporate}

perpetual succession, with power to receive grants and donations, and shall have power to sue and be liable to be sued, implead and be impleaded, answer and be answered unto in all Courts in all actions, causes and suits, and they shall have a common seal with power to alter and modify the same at pleasure:

*Amend
1931 Sept 23
Rec 2*

Provided that the declaring the said Board to be a Body Corporate shall not give to the said Board any power not directly conferred upon it by this section as hereby amended, and notwithstanding the incorporation of the Edmonton Hospital Board the City shall be and remain liable in connection with the operation of the said hospitals to the same extent and effect as if the said Hospital Board had not been incorporated.

Council alone
has power to
appoint to
Hospital
Board

231a. (1) From and after the first day of January, 1928, the sole power to appoint members of the said The Edmonton Hospital Board shall be in the Council of the City of Edmonton.

(2) On the first day of January, 1928, the then members of said Board shall cease to hold office unless their term of office shall be continued temporarily for such term as the council shall determine by resolution of the said council.

(3) The said Council may pass by-laws fixing the number of members (not exceeding fifteen) who shall constitute the said Board, and the term of office of the said Board or any number of the members thereof; providing for the filling of vacancies, the submission of estimates, reports to the Council and such other matters as the Council may consider desirable for the purpose of supervising the activities of the said Board.

Health, local
Board,
constitution of

231B. (1) Notwithstanding anything contained in any other Act, the Local Board of Health for the City of Edmonton shall consist of the mayor of the city, the medical officer of health, the city engineer, one member of the board of trustees of the Edmonton Public School District No. 7, one member of the board of trustees of the Edmonton Separate School District No. 7, two aldermen of the City of Edmonton and two medical practitioners duly qualified under the laws of the Province of Alberta.

(2) The term of office of the said mayor, the medical officer of health and the city engineer shall be during his respective term of office. The term of office of the said school trustees and aldermen shall be during the calendar year or until their successors are appointed. The term of office of said medical practitioners shall be two years or until their successors are appointed.

(3) Forthwith upon the coming into force of this Act the council shall appoint a member of each of said school boards and two aldermen, who shall hold office until the first day of January, 1931, or until their successors are appointed, and the said council shall also appoint two medical practitioners, one to hold office until the first day of January, 1931, and the other to hold office until the first day of January, 1932, or until their successors are appointed.

(4) As soon as convenient after the first day of January in each year the council shall make all such appointments as may be required to fill all vacancies on the said board.

232. The council may enter into such agreement as it may ^{Penitentiary site} deem advisable with the government of Canada for the removal of the penitentiary to without the limits of the city, and also for the removal of the rifle range from its present location, and for such purpose may purchase from the government of Canada the lands comprised in said penitentiary site and rifle range, or either of them, or may purchase any other lands and exchange the same for said sites or either of them, and for the purposes aforesaid or any of them they may incur debts by by-law or by-laws assented to by a majority of the burgesses voting thereon.

LICENSING POWERS

233. The power to license shall include power to fix the fees to be paid for licenses, which fees may be in the nature of a tax for revenue purposes, to specify the qualifications of the persons to whom and the conditions upon which such licenses shall be granted, to regulate the manner in which and specify the parts of the city within which, and the days and hours during which any licensed business shall be carried on, to specify the fees or prices to be charged by the licensees, to impose penalties upon unlicensed persons, or for breach of the conditions upon which any license has been issued, or of any regulations made in relation thereto, to cancel or provide for the cancellation of any license for nonobservance of any such conditions or regulations and generally to provide for the protection of licenses; and such power shall within the city extend to persons who carry on business partly within and partly without the city limits, provided that Chinese laundries or laundries where Chinese are employed may be licensed and regulated as a distinct class of business.

(2) The council may also license as a class by themselves travelling salesmen, transient traders, or other persons selling directly to the consumer goods, wares, merchandise and other effects of any kind whatsoever, or offering the same for sale by sample cards, specimen or otherwise, for or on account of any merchant, manufacturer, corporation or other person selling or supplying directly to the consumer goods, wares, merchandise or other effects of any kind whatsoever, and not having a ~~permanent~~ place of business within the city. In any prosecution for a violation of any such by-law it shall not be necessary to allege or prove that any such ~~principal~~ place of business is not within the city, but the proof that the same is within the city shall be upon the person charged.

(3) (a) In this subsection the term "vehicle" shall mean ^{Vehicles} and include any cart, wagon, truck or other vehicle used by any person within the City of Edmonton for the purpose of the conveyance of goods, wares, merchandise, fuel, earth,

1932 Cap. 11 S. 7.

1932 Cap. 11 S. 7

refuse, or other articles or effects of any kind or nature, either in connection with his own business or for hire, and shall also include any vehicle used for the carriage of passengers for hire, and any vehicle, scraper, grader, fresno, slip or plow used in the removal of earth, gravel, sand, ashes, or refuse, or used in or about the making of any cellar or excavation;

(b) The council may license vehicles as hereinbefore defined, or the owners or operators thereof, either as a special class or classes or otherwise;

(c) The council may classify all such vehicles according to the tonnage, width of tire, purpose for which used, manner or means of propulsion, or upon any other principle whatsoever as it shall see fit, and may fix or grade the license fees therefor according to any classification thereof; provided that in respect of horse-drawn vehicles the license fee may be imposed according to the number of teams or animals used in place of the number of vehicles used;

(d) Nothing in this subsection shall apply to vehicles owned by persons residing outside the city and used only in conveying their own products or personal effects into or out of the city and not plying a carrying trade for hire.

Revocation
of licenses

(4) The granting or refusing of a license to any person to carry on a particular trade, calling, business or occupation, or the revoking or cancelling of any license, shall be in the discretion of the council, and it shall not be bound to give any reason for such refusal, revocation or cancellation, and its actions shall not be open to question or review in any court.

Beer
licenses

(5) The council may also impose a license fee or tax upon all persons granted club or beer licenses, within the City of Edmonton under the provisions of *The Government Liquor Control Act of Alberta*; provided the license fee charged to any person shall be no greater than the license fee charged him under the provisions of said Act. And the Council may fix or grade the said fees according to the location of the licensed premises, the floor space of such premises, the number of persons employed therein, the nature of the license, or upon any other basis the council shall decide.

Agents

(6) The council may, notwithstanding anything contained in *The Corporations Taxation Act*, license all agents of a corporation or company incorporated under the laws of Canada or of any Province, whether such agent, corporation or company has or has not a place of business within the city and whether such agent, corporation or company has or has not a subsisting provincial license.

Grocers

2334. In addition to, but not in substitution for, any power contained in *The Edmonton Charter* or any amendment thereto, the Council of the City of Edmonton is hereby empowered to impose an annual license not exceeding the sum of five dollars upon any person carrying on the business of a "grocer"

66 (3) The council may also license by themselves, or as a special class or classes, or otherwise according to any classification, all persons who, wholly or partly within or partly within and partly without the city of Edmonton, transport, remove, convey or carry persons or property or any goods, wares, merchandise, fuel, earth, refuse or other articles or effects of any kind or nature whatsoever, either as a business or as incidental to any other business, whether a charge is made therefor or not, and without in any way limiting the general powers which may be exercised under this subsection; the persons liable hereunder shall include-

(a) all persons who deliver to or collect from any business premises, of the warehouse or depot within the city, any goods, wares or merchandise by truck or other motor vehicle, for or from a point within or outside Edmonton;

Revocation of licenses (b) all persons who use any scraper, fresno, slip or plow, for the purpose of transporting, removing, conveying or carrying earth, gravel, sand, ashes or refuse, or used in or about the making of any cellar or excavation;

(c) all persons who for any purpose use any cart, wagon, truck or horse-drawn vehicle within the city of Edmonton, either in connection with his own business or for hire-

but nothing in this subsection shall be deemed to include any vehicle operated solely by the owner or owners thereof, resident outside the city of Edmonton and used only in conveying his or their own products or personal effects into or out of the city and not plying a carrying trade for hire or reward.

1932 Chap. 71, Section 17.

Grocers

2334. In addition to, but not in substitution for, any power contained in *The Edmonton Charter* or any amendment thereto, the Council of the City of Edmonton is hereby empowered to impose an annual license not exceeding the sum of five dollars upon any person carrying on the business of a "grocer"

within the limits of the City of Edmonton. For the purpose of the interpretation of this section and of any by-law passed thereunder the term "groceries" shall be deemed not to include bread, milk, cake, pastry, biscuits, ice cream and candies, nor shall the sale of bread, milk, cake, pastry, biscuits, ice cream or candies be deemed a sale of groceries. The council may by any such by-law specify the days and hours during which any premises upon which groceries are sold shall be closed for the carrying on of business notwithstanding other goods, wares or merchandise, including bread, milk, cake, pastry, biscuits, ice cream or candies, are sold therein.

234. The imposing or collecting of license fees shall in no case be deemed to prevent the assessment of any land owned or occupied by the license holders, or the collection of any taxes lawfully imposed thereon. Licenses not to exclude taxes

235. The council may direct that the owner of any building situate upon land abutting upon any street or public place wherein there is a sewer and water main shall install in such building connections with such sewer and water mains, and such apparatus and appliances as shall insure the proper sanitary condition of the building and premises. Sewer connections

236. Notwithstanding anything in this Act contained, upon the report of the city engineer or the city medical officer of health recommending the same, the council shall have power by resolution or by-law to direct water and plumbing, or other sanitary improvements to be made in any such building, and the city may with or without the consent of the owner, occupant or tenant thereof enter, make, construct and install such water, plumbing or other sanitary improvements or cause the same to be done, and after the completion thereof the city engineer shall grant a certificate, stating therein the number and description of the parcel of land whereon such work has been done and the actual costs of the work, and shall file such certificate with the assessor, and the amount of such costs so certified shall be divided into such number of instalments as shall be directed by the resolution or by-law directing the work and such costs, together with interest on the sinking fund or equal annual instalment plan, shall, as in the case of local improvements, be added to the taxes on such lot or parcel of land in the collector's roll for the proper number of years, beginning with the rolls prepared next after the filing of said certificate, and the said costs shall thereupon become and be treated in all respects as ordinary taxes due upon the said land. And for the purposes aforesaid the council by referred by-law, to be assented to by a majority of the burgesses voting thereupon, may from time to time before actually directing any such works, borrow such sum or sums as they shall estimate to be necessary for carrying out the same. Installation of plumbing etc., by the city

237. When the council has authority to direct that any matter or thing shall be done by any person, the council may also direct that in default of its being done by such person it Council may complete omitted work

shall be done by the city at the expense of the person in default, and the city may recover the expense thereof with costs, by action, or the council may by resolution order that the same shall be added to the taxes for the then current year payable by the person in default, and the amount when so added shall become taxes due to the city for such year.

Cost added
to taxes

(2) When under the provisions of any Statute or Ordinance or under any regulation having the force of law or under the order or direction of any board or other authority acting under such Statute, Ordinance or regulation, any act or thing has been ordered to be done or work is directed to be carried out in respect of or upon any land within the city and in default of the performance thereof by the owner or occupant such act or thing has been done or such work has been carried out by or at the expense of the city, the city may recover the expense thereby incurred with costs from the owner or occupant of such land, or the council may by resolution order that the same shall be charged against the said land and added to the taxes due in respect of the said land for the then current year, and the amount when so added shall become taxes due to the city for such year.

Charges
against land

238. When any such matter or thing is done at the expense of the city upon or in respect of any land, the council may by resolution charge the cost thereof against the said land, and the amount with interest shall be payable in the same manner as if it had been assessed against the land as a special assessment for local improvement, and the period over which the payment of the amount and interest shall be extended shall be fixed by resolution of the council.

EARLY CLOSING

Early
closing

239. The council may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops within the city shall be closed and remain closed on each or any day or days of the week at and during any time or hour between six of the clock in the afternoon of any day and five of the clock in the forenoon of the next following day.

Provided that any such by-law relating to blacksmith shops may provide that same shall be closed at the hour of five o'clock in the afternoon.

(2) The council having passed any by-law in pursuance of this section, may from time to time by by-law amend the said by-law, changing the hours when the said shops shall be closed, and remain closed, and substituting such other hours in the place and stead of the hours mentioned in the former by-law, and may repeal any by-law passed, or to be passed, and may pass any new by-law for closing the same or any other shops, either with or without any petition therefor being presented to the council.

(3) Every such by-law shall take effect at a date named therein, being not less than one nor more than two weeks after the passing thereof, and shall before that date be published in such manner as to the council passing the by-law may appear best suited to ensure the publicity thereof.

(4) A shop in which more than one class of trade is carried on shall be closed so far as relates to each class of trade at the hour and during the time when any such by-law requires shops in which the class of trade in question is carried on to be closed.

(5) Nothing in any such by-law contained shall render the occupier of any premises liable to any fine, penalty or punishment for supplying any article to any person lodging in such premises, or for supplying any article required for immediate use by reason or because of any emergency arising from sickness, ailment or death, but nothing herein contained shall be deemed to authorize any person whomsoever to keep his shop open after the hour appointed by such by-law for the closing of shops.

(6) Where any offence for which the occupier of a shop is liable under any such by-law to any fine, penalty or punishment, has in fact been committed by some agent or servant of such occupier, such agent or servant shall be liable to the same fine, penalty or punishment as if he were the occupier, but the master or employer shall also be responsible for the acts of such agent or servant, if done in the course of the employment, subject to the provisions of the next subsection.

(7) Where the occupier of a shop is charged with an offence against any such by-law, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the original charge, and the charges upon both informations shall be tried together; and if, after the commission of the offence has been proved, the said occupier proves to the satisfaction of the court that he has used due diligence to enforce the execution of the provisions of the by-law, and that the said other person committed the offence in question without his knowledge, consent or connivance, or wilful neglect or default, the said occupier shall be exempt from any fine, penalty or punishment; but the said other person shall thereupon be summarily convicted of such offence, and shall be liable to the same fine, penalty or punishment therefor as if he were the occupier.

(8) Nothing in this section or in any by-law passed under authority thereof shall be deemed to render unlawful the continuance in a shop, after the hour appointed for the closing thereof, of any customers who were in the shop immediately before that hour, or the serving of such customers during their continuance therein.

(9) Notwithstanding that a by-law passed or purporting to be passed, under or pursuant to the provisions of this section, may be invalid or ineffectual as to some shops or some class

or classes of shops, every such by-law shall, nevertheless, and to all intents and for all purposes, be held and deemed to be valid and effectual as respects any other shop or class or classes of shops and the occupiers of any other shop or class or classes of shops thereby required to be closed.

(10) In the foregoing subsections the expression "shops" means any barber shop, blacksmith shop or any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail, but not where the only trade or business carried on is that of a tobacconist, news agent, victualling house, or refreshment house, nor any premises wherein under license, spirituous or fermented liquors are sold, and for the purpose of this Act sale by retail shall be deemed to include sale by auction; and the expression "closed" means not open for the serving of any customer.

(11) This section shall not apply to pharmaceutical chemists or to chemists and druggists with respect to sales of drugs, chemicals, medicines, surgical and medical supplies and accessories, perfumes, toilet preparations and toilet accessories, shaving supplies, stationery and writing supplies, films, rubber goods and sick room requisites.

Definition
of shop

239a. (1) In this section the term "shop" shall include any premises wherein or whereon any retail trade or business is carried on.

Definition
of public
holiday

(2) In this section the term "public holiday" shall include New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, Christmas Day, Annual Civic Holiday proclaimed by the mayor, and any other day which by Act of the Parliament of Canada, or of the Legislature of the Province, or by Proclamation of the Governor General of Canada, or of the Lieutenant-Governor of the Province, is made or declared to be a public holiday within the province.

Six o'clock
closing

(3) (a) Except as hereinafter provided, every shop shall be closed for the service of customers not later than six o'clock in the afternoon of every week day and be kept closed for the remainder of the day;

Half-day
closing

(b) Every shop shall be closed for the service of customers not later than one o'clock of every Wednesday during each year from the thirtieth day of April to the first day of September and be kept closed for the remainder of the day: Provided that the occupier of a shop shall not be guilty of an offence against this section by reason of service of a customer at any time at which the shop is required to be closed if he proves that the customer was in the shop before the time when the shop was required to be closed;

Dutch auction

But the occupier of a shop shall not dispose of therein or in any premises connected therewith, any goods, wares, merchandise or commodities of any kind or nature by any species of auction, Dutch auction or other form of competitive buying of any kind or nature after said closing hours of six o'clock and one o'clock respectively.

Provided further that in any week when a public holiday occurs upon any day other than Wednesday, then all shops may be kept open upon that Wednesday until six o'clock in the afternoon thereof;

Provided the occupier of any shop may, subject to the provisions of *The Factory Act, 1926*, and *The Minimum Wage Act, 1925*, or such other superseding Acts as may from time to time be in force, keep the same open for the service of customers until the hour of ten o'clock in the afternoon of the two week days next preceding Christmas Day and on the Saturday next preceding such two said week days.

Provided that the Council of the City of Edmonton may by by-law provide that every shop shall be closed, subject to the exceptions hereinafter mentioned at one o'clock ^{in the afternoon} on every Wednesday throughout the whole year or any portion thereof, in addition to every Wednesday during each year from the thirtieth day of April to the first day of September, ^{and may} from time to time alter, amend or repeal any such by-law.

1932. Cap 71 S27.

(c) Every shop shall be closed for the service of customers throughout every holiday.

(4) No person shall carry on any retail trade or business of any class in any place not a shop at any time when it would be unlawful to keep a shop open for the purpose of retail trade or business of that class.

(5) The provisions of this section shall not extend to any shop in which the only trade or business carried on is one or more of the trades or businesses mentioned in the schedule to this section (hereinafter called "exempted trades or businesses").

(6) Notwithstanding any other provisions of this section, a shop may, for the purpose of carrying on one or more exempted trades or businesses, be kept open after the closing hour fixed by this section, notwithstanding the fact that one or more non-exempted trades or businesses are also carried on therein; but when any such shop is kept open, there shall be placed in the front door and in the front window, a card not less than two feet square on which there shall be printed in English in type of not less than one inch high, the following words: "This shop is closed by law except for the sale of (here state the class or classes of goods which are offered for sale)."

(7) Nothing in this section shall apply to any fair, lawfully held, nor to any bazaar or sale of work for charitable or other purposes from which no private profit is derived.

(8) No employer shall require or permit any employee to remain in a shop for a longer period than thirty minutes after the closing hour fixed by this section.

(9) Any person being the owner, proprietor, manager or person in charge of any shop, ^{or any person acting as agent} contravening or failing to comply with the provisions of this section shall be liable on summary conviction:

- (a) For first offence, to a fine of not less than five dollars nor more than twenty-five dollars and costs and in default of payment to imprisonment for a term not exceeding five days;
- (b) For a second offence to a fine not less than fifty dollars nor more than one hundred dollars, and in default of payment to imprisonment for a term not exceeding twenty days;
- (c) For a third offence, or subsequent to a fine of not less than one hundred dollars nor more than five hundred dollars, and in default of payment, to imprisonment with or without hard labour, for a term not exceeding sixty days.

SCHEDULE

EXEMPTED TRADES OR BUSINESSES

1. Drug stores for the sale of medicine, medical and surgical appliances, toilet preparations and sick room requisites and other exempted articles only.
2. The sale of newspapers and periodicals.
3. The sale of food and refreshments for consumption on the premises.
4. The sale of confectionery, bread, cake, pastry, fruit, and ice cream.
5. The sale of milk and cream.
6. Garages and service stations, including battery service stations, for emergency repairs and sale of gas and oil.
7. Tobacco and smokers' requisites.
8. Businesses carried on at a railway book stall.
9. Retail lumber yards.
10. Barber shops.
11. Tinsmiths and plumbers.
12. The supplying of any article or the doing of any act immediately required by reason of any emergency arising from illness or death.
13. Florists.
14. Agricultural implement establishments.

NOTE—The foregoing Schedule is struck out by 1930 c. 65 s. 9 and the following Schedule substituted, but the foregoing Schedule nevertheless remains in force until the council passes a by-law changing same.

SCHEDULE

EXEMPTED SHOPS, TRADES, BUSINESSES OR GOODS

1. Drug stores for the sale of medicine, medical and surgical appliances, toilet preparations, sick room requisites and other exempted articles only.

2. Such other shops, trades, businesses, goods, wares or merchandise as the council of the City of Edmonton may from time to time prescribe by by-law.

Notwithstanding the repeal of said schedule, the same shall remain in full force and effect until the council shall pass a by-law under the provisions of this section:

Provided that no such by-law shall increase or add to the list of exempted shops, trades, businesses or goods now provided for by the schedule set out in said section 239a.

(2) For the purposes of this section the council may provide that no shop shall be allowed to remain open unless the only goods, wares or merchandise sold or offered for sale therein are those exempted in the by-law.

(10) Notwithstanding anything contained in this section, the Council of the City of Edmonton may make by-laws, regulating and fixing the hours of labour in shops, and may, by any such by-law, alter, repeal or amend any part of this section except paragraph (b) of subsection (3) of this section:

Provided always that no person shall be employed in any shop more than five and one-half days in any week during the year, except during the month of December;

Provided also that in the event of any by-law being made pursuant to this subsection the proprietor, keeper and manager of any shop, affected by any such by-law, shall, not later than the tenth day of every month, make a return to the Commissioner of Labour in such form as he may require, as at the last day of the preceding month, setting out for that month the name, age and sex of each person employed by him, the days and the number of hours per day worked by each such person, the days upon which each such person worked one-half day only and the amounts paid to each such person for wages, and that every proprietor, keeper or manager of any shop as aforesaid, who makes default in making any such return, or who makes any untrue statement therein shall be guilty of an offence punishable, upon summary conviction, by a fine of not more than fifty dollars and costs.

Provided further that if any shop shall be closed for a full half day during any week, the proprietor, keeper or manager thereof shall not be required to make the return above mentioned but in place thereof may certify in writing to the Commissioner of Labour that his shop has been closed a full half day in each week during the preceding month, mentioning such half day. Nothing contained in this section or in any by-law passed hereunder shall be deemed to repeal, alter or modify the powers of the inspector under section 23 of *The Factories Act, 1926*, or any similar Act that may from time to time be in force in the Province of Alberta. Such certificate in writing shall constitute a return within the meaning of such section 10;

Provided that the council may by resolution suspend the provisions of this section during the three business days preceding Christmas Day in any year.

(11) 1932 Cap 71. §31

(10) 1937 Cap 63 S.2.

1932 Cap 71.
S. 32

(11) - 1. Notwithstanding anything contained in this section or any amendment thereto, the council of the City of Edmonton may pass by-laws:

(a) to provide that the owner, proprietor, manager or person in charge of any shop in which one or more exempted and non-exempted trades or businesses are

carried on shall not keep his shop open during any time it is required to be closed under the provisions of this

section or any by-law of the city unless and until he shall file a statement in writing with whomsoever the council shall appoint, setting out both the exempted and non-exempted trades and businesses, he intends to carry on in his shop;

(b) to provide that such appointed person shall thereupon issue to such owner, proprietor, manager or person in charge of any shop, a certificate showing the exempted trades or business he proposes to carry on;

(c) to provide that in the event of any such owner, proprietor, manager or person in charge of any shop, being convicted of keeping his shop open during any time it is required to be closed under any of the provisions of this section or any by-law of the city, or is convicted of selling to or serving a customer with any goods, wares or merchandise which may not be lawfully sold in his shop during prohibited hours, the council may cancel the said certificate for any period of time not exceeding six months;

(d) to provide such other rules and regulations as the council may consider expedient for the purpose of carrying out the powers granted in this subsection.

2. Upon the cancellation of any such certificate the person whose certificate is cancelled shall no longer be entitled to keep his shop open for any purpose after any of the closing hours mentioned in this section or in any by-law of the city, and he shall be conclusively deemed to be carrying on business for the sale of non-exempted goods, wares and merchandise only.

(11) - 1. Notwithstanding anything contained in this section or any amendment thereto, the council of the City of Edmonton may pass by-laws:

(a) to provide that the owner, proprietor, manager or person in charge of any shop in which one or more exempted and non-exempted trades or businesses are

carried on shall not keep his shop open during any time it is required to be closed under the provisions of this

section or any by-law of the city unless

and until he shall file a statement in

writing with whomsoever the council shall

appoint, setting out both the exempted

and non-exempted trades and businesses,

he intends to carry on in his shop;

(b) to provide that such appointed person

shall thereupon issue to such owner,

proprietor, manager or person in charge

of any shop, a certificate showing the

exempted trades or business he proposes

to carry on;

(c) to provide that in the event of any

such owner, proprietor, manager or per-

son in charge of any shop, being con-

vinced of keeping his shop open during

any time it is required to be closed

under any of the provisions of this

section or any by-law of the city, or

is convicted of selling to or serving

a customer with any goods, wares or

merchandise which may not be lawfully

sold in his shop during prohibited

hours, the council may cancel the

said certificate for any period of

time not exceeding six months;

(d) to provide such other rules and

regulations as the council may con-

sider expedient for the purpose of

carrying out the powers granted in

this subsection.

2. Upon the cancellation of

any such certificate the person whose

certificate is cancelled shall no

longer be entitled to keep his shop

(10) In this section the expression

"service of customers" shall be

deemed to include within its meaning

the display or demonstration to cus-

tomers of goods, wares, merchandise

or commodities of every kind and

nature.

BY-LAW PROCEDURE

Franchise
by-laws

240. Subject to the other provisions of this Act, the council shall have no power to give any person an exclusive right of exercising any business or special franchise within the city.

Passing of
by-laws

241. Every by-law of the city under this or any other Act shall be under the seal of the city, and shall be signed by the mayor or other person who presided at the meeting at which the by-law was finally passed, and countersigned by the city clerk; and every by-law shall have three distinct and separate readings before it is finally passed, but not more than two readings shall be had at one meeting of the council, except by the unanimous vote of the members present thereat.

Evidence of
by-laws

242. A copy of any by-law written or printed and under the seal of the city, and certified to be a true copy by the mayor or city clerk, shall be received as *prima facie* evidence of its due passing and of the contents thereof without further proof in any court, unless it is specially pleaded or alleged that the seal or the signature of the mayor or city clerk has been forged.

Repeal or
amendment
of by-laws

243. The council may repeal or amend any by-law, except where the same has received the assent of the burgesses of the city, and in such case only when the repeal or amendment of the by-law is similarly assented to by the burgesses;

Provided that no by-law relating to the procedure of the council when in session shall be repealed, amended or suspended (except so far as the terms thereof shall themselves permit), unless (1) by a by-law unanimously passed by a regular or special meeting of the council at which all the members thereof are present, or (2) by a by-law passed at a regular meeting of the council in pursuance of a notice in writing given and openly announced at the next preceding regular meeting of the council, and setting forth the terms or substantial effect of the proposed by-law.

Validity of
by-laws

244. In case no application to quash the by-law is made within two months next after the final passing thereof, the by-law shall be valid and binding notwithstanding any want of substance or form therein, or in the proceedings prior thereto, or in the time or manner of the passing thereof.

MONEY BY-LAWS

Money
by-laws

245. The council may, subject to the provisions of this Act, pass by-laws for contracting debts by borrowing money or otherwise, for any purpose within the jurisdiction of the city, or for the execution of public works outside the limits of the city by or for the purposes of the city.

Debenture
issues

246. By-laws for contracting debts shall provide for the issuing of debentures, and need not provide for the levying of any rate, but a rate sufficient to raise the amount required to pay the annual instalment of principal and interest, or the

annual interest and the annual amount by way of sinking fund, as the case may be, shall be, without the passing of any by-law for that purpose, levied in each year during the currency of the debentures; and this provision shall apply to debenture by-laws, hitherto passed.

246a. In by-laws providing for contracting or creating debts or for the issue of debentures with the consent of the Board of Public Utilities Commissioners there may be included over and above the amount required or estimated to be required for the purpose set out in the by-law, such further sum as the council may deem reasonable to pay expenses of advertising, discount and other charges and expenses incidental to the issue and sale of debentures, and incidental to the entering on, carrying out and completing the object for which the debt is to be created. Discount and other expenses may be included

247. The by-law providing for contracting or creating a debt shall state by recital or otherwise: Contents of by-laws

- (a) The amount of the debt intended to be created, and in brief and general terms the object, ^{or objects} for which it is created. *722. Cap 11. S 16*
- (b) The period over which the indebtedness is to be spread, or the period at the end of which the same is to be paid.
- (c) The rate of interest, and whether the same is to be paid annually or semi-annually.
- (d) The amount of rateable property in the city according to the last revised assessment roll.
- (e) The amount of the existing debenture debt of the city, and how much, if any, of the principal or interest thereof is in arrears.

It shall not be necessary to recite or specify the exact location of the work or local improvement in respect of which the debt is intended to be created, but it shall be sufficient to state that it is intended to spend a certain sum for the purpose of certain work generally, such as "street railway extensions" or "city's share of street pavement."

248. The by-law shall name a day when it is to come into operation, which day shall be not more than three months after the day on which the voting is to take place; and if no day is named in the by-law, it shall take effect on the day of the final passing thereof. Date of operation

249. The by-law may provide that the indebtedness shall be made payable in one or other of the modes hereinafter mentioned, or that it be made payable in either of such modes as the council may deem expedient, that is to say it shall be payable (1) In such manner that each instalment of principal and interest shall be as nearly as possible equal in each year of the period of years during which the debentures are to run; or (2) In such manner that the principal shall be repayable at the end of the period of years during which the debentures Optional mode of payment

are to run, together with interest on such debentures to be paid annually or semi-annually as the council may by the by-law provide.

And if such provision is contained in any by-law of the town or City of Edmonton heretofore passed or hereafter to be passed, the debt to be incurred and the debentures to be issued in respect thereof may be made payable in whichever of the above modes the council may by by-law determine.

Time for
final passing

250. Every by-law which under the provisions of this or any other Act requires the assent of the burgesses, and has received the assent of the required number of the burgesses voting thereon, may be finally passed by the council within three months of the voting thereon, but not thereafter.

ASSENT OF BURGESSES TO BY-LAWS

List of
burgesses

251. For the purpose of taking the votes of the burgesses upon any matter requiring their assent, the assessor in each year shall prepare (either as part of the list of electors or in a separate list) a list of burgesses entitled to vote; that is to say, all electors who are assessed on the last revised assessment roll in respect of lands of the assessed value of two hundred dollars and upwards.

(2) In case the said lists are separate the provisions of sections 86 to 92 inclusive, regarding the preparation, publication and correction of the list of electors, so far as the same are applicable, shall *mutatis mutandis* be applicable to the list of burgesses, and the council may at any time direct that said list be typewritten instead of printed.

Executors,
trustees

(3) Provided further that where the names of any executors, administrators, guardians or trustees appear on the assessment roll as owners of any real property, the name of only one of such executors, administrators, guardians or trustees, being the first in order in the grant of probate, letters of administration or other document from which they derive their title, or such other one of their number as shall be named in a writing signed by the whole of such executors, administrators, guardians or trustees and filed annually with the assessor before the date of the court of revision, shall be placed on the list of burgesses.

Corporations

(4) The assessor shall also include in such list the names of all banks, incorporated companies or other corporations assessed on the last revised assessment roll and the vote of such corporations shall be given by the principal officer of the corporation residing in the city.

Publication
of by-laws

252. In case a by-law requires the assent of the burgesses as hereinbefore provided before the final passing thereof or a by-law of the Board of Trustees of the Edmonton School District No. 7 or of the Board of Trustees of the Edmonton Separate School District No. 7 requires the assent of the rate-payers thereof, the following proceedings shall (except in cases herein otherwise provided for) be taken for obtaining such assent:

(1) The council shall publish a notice in some newspaper in the city once a week for three consecutive weeks immediately preceding the day of general voting. At least one day, which may be a Sunday, shall intervene between the day of the last publication and said voting day. Such notice shall contain the following information in some brief and general terms:

- (a) The object of the debt or debts intended to be created by the by-law or by-laws and the amount thereof.
 - (b) The period over which the indebtedness is to be spread.
 - (c) The rate of interest and whether the same is to be paid annually or semi-annually.
 - (d) Whether the indebtedness is repayable in equal annual payments or on the sinking fund plan.
 - (e) The day and hours between which the voting shall take place.
 - (f) The amount of the whole rateable property in the city according to the last revised assessment roll, and in the case of a by-law of the Board of Trustees of a school district the amount of the property assessable for the purpose of the school district concerned.
 - (g) The existing debenture debt of the city, and in the case of a by-law of the Board of Trustees of a school district the amount of the existing debenture debt of the school district concerned.
 - (h) In case the granting of a franchise or the ratifying of an agreement is proposed, a copy of the proposed franchise or agreement shall also be published.
- (2) The notice may be in the following form or to the like effect, and any number of matters may be included in one notice:

“PUBLIC NOTICE

“Notice is hereby given that the municipal council of the City of Edmonton hereby refers to the burgesses for their approval the following questions:

- (a) Creating a debenture debt in the sum of.....dollars for street railway extensions;
 “Twenty year debentures, interest 5% semi-annually;
 “Sinking fund plan.
- “(b) Creating a debenture debt in the sum of.....dollars for purchasing land for certain several new fire hall sites.
 “Forty year debentures, interest 5% annually;
 “Equal Annual payment plan;
 “Rateable property according to last revised assessment roll.....dollars.
 “Total debenture debt.....
 “Local improvement and other debts not affecting 20% borrowing power.....
 “Debenture debt affected by 20% limit.....
- “(c) No amount of the principal or interest is in arrear (or as the case may be).

"(d) Or shall the council pass a by-law granting to..... the franchise specified in the following agreement or shall the council pass a by-law authorizing the execution of the following agreement:

"The mayor will attend at..... on..... for appointment of agents to attend polls on behalf of persons opposing or promoting the said questions. The vote will be held on..... day, the..... day of..... 19....., between the hours of..... a.m. and..... p.m., (hours to be fixed by resolution of council) at the places named in By-law No..... The result of poll will be declared at..... at the hour of noon on.....

City Clerk."

(Have franchise or agreement here set out in full.)

Printing of
Ballots

253. Forthwith after the day has been fixed as aforesaid for taking the votes of the burgesses, the returning officer shall cause to be printed at the expense of the city such number of ballot papers as will be sufficient for the purpose of the voting.

Form of
ballot

254. The ballot papers shall be in the following form:

<p>19 Voting on by-law to (here insert object of the by-law) submitted to the burgesses of the City of Edmonton this (date)</p>	<p>FOR THE BY LAW</p>
	<p>AGAINST THE BY-LAW</p>

Counting
votes

255. The council shall fix a time when, and a place where the returning officer shall declare the result of the voting.

Appointment
of
representatives

256. The mayor, if requested, shall, not later than noon on the last lawful day preceding the day of voting, appoint by writing signed by him, one person to attend at each polling place on behalf of the persons interested in promoting the passing of the proposed by-law and a like number on behalf of the persons interested in opposing the passing of the proposed by-law.

Oath by
appointee

257. Before any person is so appointed he shall make and subscribe before the mayor or the returning officer a declaration in the following form:

"I, the undersigned A.B., do solemnly declare that I am a burgess of the City of Edmonton, and that I am interested in promoting (or opposing as the case may be), the passing of the by-law (here insert the object of the by-law) to be submitted

to the burgesses of the said city on the.....day of

.....19..... A.B.”
 “Declared before me thisday of.....
 A.D., 19.....

C.D.,
 Mayor.”

“or

E.F.
 Returning Officer.”

258. Every person so appointed, before being admitted to the polling place or to the summing up of the votes, shall return his written appointment to the officer presiding at the poll, or the returning officer, as the case may be. Production of appointment

259. In the absence of any person authorized as aforesaid to attend at a polling place or at the final summing up of the votes, any burgess in the same interest as the person so absent may attend in the place of such person, upon making and subscribing before the officer presiding at the poll, or the returning officer, as the case may be, a similar declaration to that above provided for. Substitute

260. During the time appointed for polling no person shall be entitled or permitted to be present in any polling place other than the officers, clerks and persons or burgesses authorized to attend as aforesaid at the polling place. Persons allowed in polling place

261. The returning officer, on the request of any burgess who has been appointed deputy returning officer, poll clerk or constable at any polling place, or who has been named as the person to attend at any polling place, other than the one where he is entitled to vote, shall give to such burgess a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day; and the certificate shall also state the property or other qualification in respect of which such burgess is entitled so to vote. Certificates to certain persons

(2) Upon the production of the certificate such deputy returning officer, poll clerk, constable or other person shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling place of the ward or polling subdivision where he would otherwise have been entitled to vote; and the officer presiding at the poll shall attach the certificate to the list of burgesses, but no such certificate shall entitle any such burgess to vote at such polling place unless he has been actually engaged as such deputy returning officer, poll clerk, constable or other person aforesaid, during the whole of the day of polling.

(3) In the case of a deputy returning officer, poll clerk, constable or other person voting as aforesaid at the place at which he is appointed to act under a certificate granted under subsection 1 of this section, the officer presiding at the poll or the poll clerk may administer any of the oaths required to be taken by a burgess in order to establish his right to vote on the by-law.

List of
burgesses

262. The returning officer, before the poll is opened, shall prepare and deliver to the deputy returning officer for every ward or polling subdivision a certified copy of the last revised list of burgesses.

Poll book

263. The poll book shall be in the following form:

REMARKS.	
Refused to swear or affirm.	
Sworn or affirmed.	
Objection.	
Serial number on List of of Burgesses.	
Names of the burgesses.	
Column for mark indicating that the burgess has voted.	

Poll

264. At the day and hour fixed as aforesaid the polls shall be held and the votes shall be taken by ballot.

Hours of
poll

265. The polls shall be kept open in any event from nine o'clock in the forenoon until five o'clock in the afternoon of the same day; provided that the council may at any time extend the time for keeping open the polls until not later than eight o'clock in the afternoon.

Officers to
be sworn

266. Every deputy returning officer, poll clerk, constable or agent authorized to be present at any polling place at the voting on a by-law shall, before exercising any of the rights or functions of his office, take and subscribe before a justice of the peace, or a commissioner for taking affidavits, or, in the case of a poll clerk, constable or agent, before the deputy returning officer presiding at the poll, an affidavit in the following form:

"I, A.B., do solemnly promise and declare that at the voting on the by-law (*state briefly the object of the by-law*) submitted to the burgesses of the City of Edmonton, the voting on which has been appointed for this day, I will not attempt in any way whatsoever, unlawfully to ascertain the manner in which any burgess shall vote or has voted, and that I will not in any way whatsoever, aid in the unlawful discovery of

the same; and that I will keep secret all knowledge which may come to me of the manner in which any burgess has voted on the by-law.

A.B.”

“Declared before me this.....day of.....
A.D. 19.....

“C.D.,

Justice of the Peace, Commissioner or Deputy Returning Officer.”

267. The printed directions to be delivered to the deputy returning officers shall be in the following form: Directions to electors

“DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING

“The voter shall go into one of the compartments, and with the pencil provided in the compartment shall place a cross thus (X) on the right hand side in the upper space if he votes for the passing of the by-law, and in the lower space if he votes against the passing of the by-law.

“The voter shall then fold up his ballot paper or ballot papers so as to show the name or initials of the deputy returning officer signed on the back, and immediately after leaving the compartment shall, without showing the front of the paper to any person, deliver such ballot paper or papers so folded to the deputy returning officer, and shall forthwith quit the polling place.

“If the voter inadvertently spoils a ballot paper he may return it to the deputy returning officer, who will, if satisfied of such inadvertence, give him another ballot paper.

“If the voter places on any ballot paper more than one mark or any mark by which he may be afterwards indentified, or if any ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, it will be void and will not be counted.

“If the voter takes a ballot paper out of the polling place, and deposits in the ballot box any ballot paper or papers except those given to him by the deputy returning officer, he will be subject to imprisonment for any term not exceeding six months with or without hard labour, or to a fine of \$200, or to both.”

In the following form of ballot paper (*given for illustration*) the voter has marked his paper in favour of the passing of the by-law:

<div>19..... Voting on by-law to (here insert object of the by-law) submitted to the burgesses of the City of Edmonton, this (date).</div>	FOR THE BY-LAW	X
	AGAINST THE BY-LAW	

In the event of the voter desiring to record his vote against the passing of the by-law, he shall mark his paper thus:

19..... Voting on by-law to (here insert object of the by-law) submitted to the burgesses of the City of Edmonton, this (date).	FOR THE BY-LAW
	AGAINST THE BY-LAW X

268. Repealed 1918, c. 52 s. 10.

Where to
vote

269. Every burgess shall be entitled to vote on the by-law in each ward in which his name appears in the list of burgesses.

Oath of
voter

270. Every burgess tendering a vote on the by-law may be required by the officer presiding at the poll, or by any burgess entitled to vote on the by-law, to make, before his vote is recorded, the following oath or affirmation or any part thereof or to the effect thereof:

"You swear that you are a natural born (*or naturalized*) subject of His Majesty, of the full age of twenty-one years;

"That you are a freeholder in your own right in the City of Edmonton in this ward;

"That you have not voted before on the by-law in this ward;

"That you are according to law entitled to vote on this by-law in this ward;

"That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you now tender;

"That you are the person named (*or intended to be named*) in the list of burgesses (*showing the list of burgesses to the voter*);

"That you have not received anything nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team or any other service connected therewith;

"That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting;

"So help you God."

And no inquiries shall be made of any voter except with respect to the facts specified in the above oath or affirmation.

Oath on
behalf of
corporations

271. The chief resident officer of any corporation tendering a vote on the by-law may be required by the officer presiding at the poll, or by any burgess entitled to vote to take, before his vote is recorded, the following oath or affirmation or any part thereof:

"That you are the chief officer now present in the city of the (*naming the corporation*);

"That the said corporation is a freeholder in this ward;

"That you have not cast any vote on the by-law on behalf of the said corporation;

"That you are according to law entitled to vote on the by-law as chief resident officer of the said corporation;

"That the said corporation is the corporation named (*or intended to be named*) in the list of burgesses (*showing the list of burgesses to the voter*);

"That neither you, nor to the best of your knowledge and belief, the said corporation have or has directly or indirectly, received any reward or gift for the vote which you now tender, nor do you or to the best of your knowledge and belief the said corporation, expect to receive any;

"That neither you, nor to the best of your knowledge and belief, the said corporation, have or has received anything or been promised anything, directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expense, hire of team or any other service connected therewith;

"And that neither you, nor to the best of your knowledge and belief the said corporation, have or has, directly or indirectly, paid or promised anything to any person either to induce him to vote or to refrain from voting;

"So help you God."

And no inquiries shall be made of such voter except with respect to the facts specified in the said oath or affirmation.

272. The written statement to be made by every officer presiding at the poll at the close of the polling shall be made under the following heads: Presiding officer's statement

1. Name or number of ward or polling subdivision, and date of voting;
2. Number of votes for and against the by-law;
3. Rejected ballot papers.

273. The officer presiding at the poll shall take a note of any objection made by any person authorized to be present to any ballot paper found in the ballot box, and shall decide any question arising out of the objection. Each objection to a ballot paper shall be numbered, and a corresponding number shall be placed on the back of the ballot paper, and initialed by the deputy returning officer. Objections

274. Every officer presiding at the poll on the completion of the counting of the votes shall, in the presence of the persons authorized to attend, make up into separate packets, sealed with his own seal and the seals of such persons authorized to attend as desire to affix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the voting, the name of the officer presiding at the poll, and of the ward or polling subdivision; Making up packages

1. The statement of votes given for and against the by-law and of the rejected ballot papers;

2. The used ballot papers which have not been objected to and have been counted;

3. The ballot papers which have been objected to, but which have been counted;

4. The rejected ballot papers;

5. The spoiled ballot papers;

6. The unused ballot papers;

List of
burgesses

7. The list of burgesses and poll book, with the oath in the form prescribed by section 150 of this Act, annexed thereto, a statement of the number of burgesses whose votes are marked by the deputy returning officer under section 146 of this Act with their declarations of inability, and the notes taken of objections made to ballot papers found in the ballot box.

Presiding
officer's
returns

275. Every officer presiding at the poll shall at the close of the poll certify under his signature on the poll book, in full words, the total number of burgesses who have voted at the polling place at which he has been appointed to preside; and before placing the list of burgesses and poll book in their proper package as aforesaid, he shall make and subscribe before the city clerk, or before a justice of the peace or the poll clerk his declaration under oath that the list of burgesses and poll book were used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made. The declaration shall be in the form prescribed by section 158 of this Act, and shall thereafter be annexed to the list of burgesses. He shall then forthwith return the ballot box to the returning officer.

Certificate
to be given

276. Every officer presiding at the poll upon being requested so to do shall deliver to the person authorized to attend at his polling place a certificate of the number of votes given at the polling place for and against the by-law, and of the number of rejected ballot papers.

Declaration of
result of poll

277. The returning officer, after he has received the ballot papers and the statements before mentioned of the number of votes given in each polling place, shall without opening any of the sealed packets of ballot papers, sum up from such statements the number of votes for and against the by-law, and shall thereafter at the time and place appointed declare the result of the poll, and shall forthwith certify the result to the council under his hand.

Offences and
penalties

278. Every officer, clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk or other person shall interfere or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the manner in which any voter at any polling place is about to vote or has voted on a by-law.

(3) No officer, clerk or other person shall communicate at any time to any person any information obtained at a polling

place as to the manner in which any voter is about to vote or has voted on a by-law.

(4) Every officer, clerk and person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the manner in which any voter has voted on a by-law.

(5) No person shall directly or indirectly induce any voter to display his ballot paper after he has marked the same on any by-law, so as to make known to any person the manner in which he has marked his ballot paper.

(6) Every person who acts in contravention of this section shall be liable on summary conviction before a justice of the peace to imprisonment for any term not exceeding six months with or without hard labour, or to a fine of \$200, or to both.

279. If within two weeks after the returning officer has ^{Scrutiny} declared the result of the voting on a by-law any person who was entitled to vote thereon applies upon petition to a judge, after giving such notice of the application and to such persons as the judge directs, and shows by affidavit to the judge reasonable grounds for entering into a scrutiny of the ballot papers; and if the petitioner enters into recognizance before the judge in the sum of \$100 with two sureties (to be allowed as sufficient by the judge upon affidavits of justification) in the sum of \$50 each, conditioned to prosecute the petition with effect and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner, the judge may if he thinks fit appoint a day and place for entering into the scrutiny.

280. At least seven clear days' notice of the day appointed ^{Notice of} for the scrutiny shall be given by the petitioner to such persons ^{Scrutiny} as the judge directs and to the returning officer.

281. At the time appointed the returning officer shall attend ^{Hearing} before the judge with the ballot papers, and the judge upon ^{by judge} inspecting the ballot papers and hearing such evidence as he may deem necessary, and hearing the parties or such of them as may attend or their counsel, shall in a summary manner determine the number of votes given for and against the by-law, and shall forthwith certify the result to the council.

282. The judge upon such scrutiny shall possess the like ^{Powers of} powers and authority as to all matters arising upon the scrutiny ^{judge} as he possesses upon the trial of the validity of the election of a member of the council; and costs shall be in the discretion of the judge as in the case of applications to quash a by-law; and he may apportion the costs as to him seems just.

283. All the provisions of sections 120 to 190 inclusive ^{Provisions of} of part IV of this Act, so far as not inconsistent with the fore- ^{Part IV to} going provisions, shall *mutatis mutandis* apply to proceedings ^{apply} in voting on by-laws under this part of this Act.

QUASHING BY-LAWS

Motion to
quash

284. Any elector of the city may apply to a judge upon motion to quash any by-law or resolution of the council in whole or in part for illegality; and the judge upon such motion may, after inquiry as he shall think proper, quash the by-law or resolution in whole or in part, and may according to the result of the application award costs for or against the city and determine the scale of such costs.

Notice of
motion

285. Notice of motion shall be served at least seven clear days before the day on which the motion is to be made.

Proof of
by-laws

286. The by-law or resolution may be proved by the production of a copy thereof, certified under the hand of the city clerk and sealed with the city seal; and the city clerk shall deliver such copy upon payment of a fee therefor at the rate of ten cents for every hundred words.

Security
for costs

287. Before any such motion is made the applicant (or in case the applicant is a company, some person on its behalf) shall enter into a recognizance before the judge, himself in the sum of \$100, and two sureties, each in the sum of \$50, conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant. The judge may allow the said recognizance upon the sureties entering into proper affidavits of justification, and thereupon the same shall be filed in the court with the other papers relating to the motion.

(2) In lieu of such recognizance the applicant may pay into the court the sum of \$100 as security for any costs which may be awarded against him; and the certificate of such payment into court having been made shall be filed in the court with the other papers relating to the motion.

Disposal
of costs

288. Upon the determination of the proceedings the judge may order the money so paid into court to be applied in the payment of costs, or to be paid out to the applicant in the discretion of the judge, according to the results of the application.

(2) All moneys required to be paid into or out of court under this or the preceding section shall be paid in and paid out in like manner as moneys are paid into and out of court in actions pending in such court.

Time limit
for quashing

289. No application to quash any by-law or resolution in whole or in part shall be entertained unless the application is made within two months from the passing of such by-law or resolution, except in the case of a by-law requiring the assent of the burgesses where the by-law has not been submitted to or has not received the assent of the burgesses, in which case an application to quash the by-law may be made at any time.

290. Any by-law which has been passed or procured to be passed through or by means of any violation of the provisions of sections 176 and 177 of this Act, may be quashed upon an application made in conformity with the provisions herein contained. By-law
illegally
passed

PART VI

BORROWING POWERS

DEBENTURES

291. The amount of the debenture debt of the city at any time outstanding shall not exceed thirty per cent. of the total amount of the assessment in respect of lands and special franchises according to the last revised assessment roll. Limitation of
debt

292. The amount of any funds or securities held by the city to the credit of a sinking fund shall be deducted in calculating the total amount of the debenture debt of the city at any time outstanding. Calculation
of debt

293. The debentures to be issued under any by-law shall be in the form following or to the like effect Issue of
debentures
may be in such other form as is approved by the Board of Public Utility Commissioners. 1933 Cap 63 S.7

"FORM 1

"CITY OF EDMONTON

"\$..... Debenture No.....
"Under the authority of the Edmonton Charter, and of by-law No..... of the City of Edmonton, passed on the..... day of..... A.D. 19....., the said city promises to pay the bearer at..... on the..... day of..... 19....., the sum of..... dollars, with interest at the rate of..... per cent. per annum, in..... consecutive annual or semi-annual instalments, according to the terms of the several coupons hereto attached.

.....
Mayor.

"Corporate seal
of the city."

.....
City Treasurer."

"Coupons.....

"Coupon No.....

"Debenture No.....

"The City of Edmonton will pay to the bearer at..... on the..... day of..... 19....., the sum of..... dollars.

.....
"Mayor.

.....
City Treasurer."

"FORM 2

"CITY OF EDMONTON

"\$..... Debenture No.....
 "Under the authority of the Edmonton Charter, and of
 By-law No.....of the City of Edmonton, passed
 on the.....day of.....19.....,
 the said city hereby promises to pay to the bearer at.....
the sum of.....dollars,
 on the.....day of.....19.....
 (if interest is payable in the meantime add) and to pay to the
 bearer the amount of each of the several interest coupons
 hereto attached as the same shall respectively become due.

.....
Mayor.

"Corporate seal
 of the city."

.....
City Treasurer."

And the coupons may be in the following form:

"Coupon No.....

"Debenture No.....

"The City of Edmonton will pay to the bearer at.....
on the.....day of.....19.....,
 the sum of.....dollars.

.....
Mayor.

.....
City Treasurer."

A debenture for the full amount or for a less amount than that mentioned in the by-law, or a series of debentures aggregating such full amount or less amount than is so mentioned, may be issued, but whenever a series of debentures of the same denomination is so issued at the same time, each of the series shall be distinguished by a mark or symbol different from the mark or symbol appearing on the other debentures of the same issue, and the said marks or symbols shall appear on the coupons attached to the debentures respectively bearing the like mark or symbol.

Debentures
 payable in
 British or
 Canadian
 currency or
 U.S.A. gold

293a. Whenever by any by-law of the City of Edmonton heretofore or hereafter passed, debentures of the City of Edmonton are authorized to be issued and the amount for which the issue of debentures is authorized is expressed in the currency of Canada all or any of such debentures and the coupons thereto attached may nevertheless be made payable in the currency of the United Kingdom of Great Britain and Ireland or in gold coin of the United States of America as provided by *The Currency Act, 1910*, or as to part thereof in one or part thereof in the other of the said moneys of equivalent value, and may be made payable at any place or places in Canada, Great Britain or the United States of America or elsewhere; the equivalent value of said moneys shall be the value provided in *The Currency Act, 1910*.

294. In the case of debentures issued for local improvements, "Local Improvements" the words "Local Improvement Debenture" shall also be printed on the face of the debentures issued in respect of the part of the cost which is to be raised by special assessment.

295. Every debenture issued as aforesaid shall be sealed with the seal of the city and signed either by the mayor or by some person authorized by by-law to sign the same in his stead, and by the treasurer or by some person authorized by by-law to sign in his stead; and every coupon issued as aforesaid shall be signed by the mayor or such person authorized to sign in his stead, and by the treasurer or such person authorized to sign in his stead. The signatures on such coupons may be engraved or lithographed.

295a. Pending the issue of debentures the council may direct the issue of interim certificates to the purchasers thereof. Such certificates may be assigned by endorsement thereon and shall be delivered up upon delivery of the debenture or debentures representing the same, and upon delivery shall be cancelled by the city treasurer or such other officer as the council shall appoint.

296. Debentures authorized by any by-law heretofore or hereafter passed under any general or special power may be issued, either all at one time or in instalments, at such time as the council deems expedient; but no debenture shall be issued after the expiration of six years after the final passing of the by-law; and any debenture may, provided it be actually issued within the said period of six years, bear any date within the said period.

296A. Where the city has heretofore constructed, purchased, acquired or established or hereafter constructs, purchases, acquires or establishes:—

- (a) Gas, electric light, power or waterworks or works for the development of a water power for generating or works for producing, transmitting or distributing electric power or energy, or street railway or tramway system or telephone system, paved streets, concrete sidewalks or public works or services of any kind or nature authorized by its charter; or
- (b) Sewerage works or works for the interception, purification or disposal of sewage at the expense of the corporation—

the council, without referring the matter to the burgesses, may pass by-laws for borrowing such further sums as may be necessary to improve and rehabilitate or provide additional equipment for such works or services or any of them or to meet the cost of improvements already made; improvements to include all material, labor and equipment necessary to give service to all or any consumers capable of being served from the mains or feeders of an existing distribution system:

Provided that extensions of water, gas or sewer mains, or street railway tracks shall not be deemed improvements within the meaning of this section.

(2) If in the opinion of the council any bridge has become unsafe for traffic, the council may, without referring the matter to the burgesses, pass a by-law or by-laws for borrowing a sum not exceeding twenty-five thousand dollars for the purpose of replacing or reconstructing said bridge.

Refunding
debentures to
cover shortage
in sinking
fund

296B. The council without referring the matter to the burgesses may issue refunding debentures prior to the maturity date of any outstanding debentures to an amount equal to the difference between the cash and negotiable securities in the sinking fund and the amount of the maturing debentures:

Provided always that this power shall not be exercised unless the proper levy for the sinking fund has been made each year and the approval of the Board of Public Utility Commissioners has been obtained.

Special
debentures on
security tax
sale lands

296C. Where the city has or shall hereafter become the registered owner of any lands by reason of any law in force for the sale or acquiring of lands for arrears of taxes, the council may without the assent of the burgesses issue and sell special debentures, bills or other securities in such form and payable either within or without Canada in such currency and for such period not exceeding ten years from the issue of the same, as the council may by by-law provide and may make such debentures, bills or other securities a charge on the lands so acquired or any portion of them:

Provided that the face value of such debentures shall not exceed the fair value of the lands upon the security of which they are issued and that the rate of interest shall not exceed eight per centum per annum.

- (a) The proceeds arising from the sale of all lands upon the security of which such debentures, bills or other securities are sold shall be paid over to the sinking fund trustees of the City of Edmonton, who shall deposit the same in a savings bank account in some chartered bank or banks or invest the same as by law provided, and the moneys so deposited or invested, except as hereinafter provided, shall be used solely for the purpose of from time to time redeeming such debentures, bills or other securities.
- (b) In the event of any lands so sold being lands against which there were arrears of taxes in respect of which arrears the city has already made borrowings, the proceeds of sale shall be appropriated by the said Sinking Fund Trustees to the payment of the sums already borrowed until they have sufficient funds in hand to pay off the moneys already borrowed, which borrowings shall remain a first charge on the proceeds of sale.
- (c) So soon as sufficient moneys arising from the redemption or sale of the lands acquired by the city for arrears of taxes have been deposited with said trustees to meet the principal upon all outstanding securities issued under any other power to borrow against arrears of taxes or under the power hereby given, all further sums arising from the redemption or sale of lands acquired through proceed-

ings in respect of arrears of taxes shall be paid to the treasurer of the city in the usual course.

- (d) All loans made hereunder are hereby declared to be temporary loans only and shall form no part of the general debt of the city within the meaning of *The Edmonton Charter*, and it shall not be necessary to recite the amounts secured by the aforesaid special debentures, bills or other securities in any by-law for borrowing money.

297. The council shall have power, where they deem it expedient or advantageous, at any time before the sale or disposal of any debentures or series of debentures, to pass a by-law changing the rate of interest provided for in the original by-law or by-laws authorizing the issue of such debentures to such other rate of interest as they may judge proper or changing the mode of payment from that fixed by the by-law under which the debentures are issued to the alternative mode of payment authorized by section 249 without the necessity of obtaining the assent of the burgesses to such change.

Powers to change interest rate and mode of payments of debentures

298. Any debenture issued under this Act, or heretofore issued under any other Act or Ordinance relating to the city or the town of Edmonton shall be valid and binding upon the city, and the legality of the issue of such debenture shall be conclusively established, and its validity shall not be open to question in any court, notwithstanding any insufficiency or defect in form, substance or otherwise of the by-law or proceedings prior to the passing thereof, or the authority of the city to create the debt, pass the by-law or issue the debenture; provided that the by-law, not being a local improvement by-law, has received the assent of the burgesses as in this Act provided and that no successful application has been made to quash it within two months after its final passing.

Validity of debentures

299. In order to secure the advantages of homogeneous long term securities, the council may from time to time after the passing of by-laws covering the several amounts required, whether for local improvements or otherwise, and without in any way affecting the provision for the levy of the annual rates, or in the case of local improvements. the liens on the property described in such by-laws, pass a by-law consolidating the amounts covered by such by-laws, and issue consolidated debentures therefor. When the sinking fund and the special assessment levied under any by-law so consolidated shall have reached the amount sufficient to discharge the debt created under that by-law, the amount may pending maturity of the consolidated debentures be invested in any of the securities authorized for the investment of the sinking fund, or it may be applied directly to the extinguishing of a corresponding amount of the outstanding debt of the city by the purchase and cancellation of debentures.

Powers to consolidate debentures

Consolidation
of by-laws
for local
improvement
debts

300. The council may from time to time, after the passing of separate by-laws covering the several amounts required for particular local improvements, and without in any way affecting the liens on the property therein described, pass a collective or cumulative by-law consolidating the several amounts of the debentures for such local improvements, and may issue the new consolidated debentures in a general consecutive issue under such consolidating by-law, apportioning nevertheless the amount raised thereby and crediting each service with the amount previously fixed for the same under the individual by-laws passed in the first instance.

(2) Instead of passing separate by-laws, the council may pass one by-law for several local improvement works, giving the same information concerning each of such works as would be given in the separate by-laws relating to each work, and the passing of one by-law covering several distinct works shall not affect the validity of the by-law.

(3) The provisions of this section shall apply to by-laws heretofore passed by the city or the town of Edmonton.

Powers of
redemption

301. The council shall have power, in the case of any debentures payable at a date more than twenty years after the date of issue, to redeem the same on the expiry of twenty years from the date of issue or at any time thereafter, upon giving six months' notice of their intention so to do to the debenture holder or holders; provided that such debentures bear an endorsement to the effect that they are issued subject to such power.

Debenture
register

302. The treasurer shall open and keep a book to be known as "The Debenture Register." In the said book there shall be entered particulars of every by-law authorizing the issue of debentures, and of all debentures issued thereunder, and every debenture issued shall have written, printed or stamped thereon a memorandum signed by the treasurer, with the proper particulars inserted therein, in the following form:

"Registered in the Debenture Register as No.....
under By-law No.....this.....day of
.....19...."

Certificate of
Registration

303. A certificate signed by the mayor and treasurer, and sealed with the corporate seal of the city, that any debenture has been duly registered in the debenture register, shall be *prima facie* evidence of such registration.

Affect of
registration

304. When any debenture is registered in the debenture register, the same shall be valid and binding in the hands of the city or of any *bona fide* purchaser for value, notwithstanding any defect in form or substance therein; and it shall not be held or deemed to have been the duty of any such purchaser to have inquired into the authority of the city to issue such debenture, or into the title of the city thereto or into the proposed or actual application of the purchase price thereof.

305. In the case of a by-law heretofore or hereafter passed, ^{Changing mode of issue of debentures} under any general or special power, the council may by by-law, without the assent of the burgesses, authorize a change in the mode of issue of the debentures, or in the place or places where the same are payable or both; and may provide that the debentures be issued with interest coupons instead of in amounts of combined principal and interest or *vice versa*; or may provide for the payment of the interest at a higher or lower rate than that provided for in the original by-law; or may change the interest from annual to semi-annual or *vice versa*; or provide that the debentures may be issued in a different currency or may be in different amounts from those authorized in the original by-law; and where any debentures issued under a by-law have been sold, pledged or hypothecated the council, upon again acquiring them, or at the request of any holder of them, may by by-law without such assent authorize the cancellation of the same and issue one or more debentures in substitution therefor, and may make such new debentures payable by the same or a different mode and at the same or a different place or places or provide that interest shall be payable at a higher or lower rate than that provided for in the original by-law or that the interest shall be changed from annual to semi-annual or *vice versa*; or may provide that they may be issued in a different currency or may be in different amounts from those of the original debentures.

306. Any debenture issued by the council may contain a ^{Transfer of debentures} provision in the following words:

"This debenture or any interest therein shall not, after a certificate of ownership has been indorsed thereon by the treasurer of this city, be transferable except by entry by the treasurer in the debenture register of the city."

307. In case of the issue of any debentures containing ^{Certificate of ownership} the provision in the last section mentioned, the treasurer shall open and keep a separate register, in which he shall enter a copy of all certificates of ownership of debentures which he may give, and also every subsequent transfer of such debentures. No such entry shall be made except upon the written authority of the person last entered in such book as the owner of any such debenture or of his executors or administrators or of his or their lawful attorney, which authority shall be retained and duly filed by the treasurer.

(2) After a certificate of ownership has been indorsed as aforesaid, the debenture shall only be transferable by entry by the treasurer in such register from time to time as transfers of such debentures are authorized by the then owner thereof or his lawful attorney.

308. Pending the sale of any debentures issued under a ^{Borrowing pending issue} by-law or in lieu of selling and disposing of the same, the council may from time to time as long as any such debentures are unsold by resolution authorize the mayor and treasurer to raise money by way of loan on such debentures and to hypothecate and re-hypothecate the same for any such loan

notwithstanding that any such loan may be of a refunding nature for the purpose of repaying in whole or in part a previous loan on such debentures or some of them, and that at the time of such refunding loan the said debentures or some of them are hypothecated to secure a previous loan then outstanding and unpaid; provided that the proceeds of every such loan shall be applied to the purpose for which such debentures were issued or in the repayment in whole or in part of a previous loan made on such debentures, and should such debentures be subsequently sold and disposed of, the proceeds thereof shall first be applied in a payment of such loan, but the lender shall not be bound to see to the application of the proceeds of any such loan.

Buying
outstanding
debentures

3084. Notwithstanding anything in said charter, or in any other statute contained, the council of the city is hereby authorized from time to time to buy in any debentures, stock or other securities of the city from time to time outstanding and issue new debentures in place thereof or in substitution therefor and to raise by way of loan, by the issue and sale of debentures of the city such amounts as the council may estimate and deem advisable for the purpose of buying in any debentures, stock or other securities of the city from time to time outstanding; provided that any new debentures in excess of the amounts which may be found necessary for such purchase shall be cancelled. Such new debentures may be for such period of time, at such rate of interest, payable in such mode of payments, at such place or places, and in such currency as the council may determine. Such powers may be exercised by by-laws passed by the council without the consent of the burgesses, but subject only to approval thereof of the Board of Public Utility Commissioners of the Province of Alberta

(2) All debentures, stock or other securities bought in shall be cancelled, but nevertheless any special annual rates and assessments levied and imposed in respect of any local improvement debentures which may be so bought in and cancelled, shall continue to be levied and collected under the by-law or by-laws imposing the same and the proceeds of such annual rates and assessments shall be applied towards payment of the principal and interest of the new debentures and any moneys held as a sinking fund in respect of any debentures, stock or other securities so bought in and cancelled shall be apportioned and held for and applied in payment of the principal of the new debentures when the same mature, or such sinking fund may be used in buying in any debentures, stock or other securities in respect of which same is held, thereby reducing the amount of the new debentures to be issued.

(3) The city may enter into any arrangement or agreement which the council deems advisable for the purpose of buying in any outstanding debentures, stock or other securities of the city and pending the issue of new debentures for such purposes as hereinbefore in this section provided, may borrow by way of temporary loan and may give any note, treasury bill, or other

temporary security as security for such temporary loan, and may secure same in such manner as the council may deem advisable.

3052. 1923. Chap 6.4

309. The council may authorize the mayor and treasurer ^{Temporary loans} under the seal of the city to borrow such sums as may be required:—

- (a) To meet the current expenditure of the city;
- (b) To meet wholly or in part the amounts required by the trustees of any public or separate school within the city;
- (c) To carry on any and all properly authorized public works or local improvements;

and the council shall by by-law regulate the amounts to be so borrowed, and the promissory note or notes, covenant or covenants, or agreement or agreements and securities to be given therefor;

Provided that under (a) and (b) the amount so borrowed shall not exceed the estimated amount of taxes for municipal or school purposes, as the case may be, for the current year, together with the full amount of all arrears; and if the council authorizes the borrowing of any larger sum than the amount aforesaid, every member of the council who votes therefor shall be disqualified from holding any municipal office for two years;

Provided also that under (c) the amount so borrowed shall not exceed in the aggregate the total principal authorized by the by-law or referred by-law providing for the issue of debentures, and all such temporary loans shall be a special charge upon the debentures in anticipation of the sale whereof such temporary loans were made; and where any such work or improvement is in progress the mayor and treasurer may agree with the undertaker thereof or contractor therefor to give and from time to time renew the city's note or bill in payment or part payment until the money required for the same is raised by the sale of debentures.

(2) The mayor and treasurer may give and from time to time renew the city's note or bill in payment or part payment of any debt due by the city; provided always that the giving of any such note or bill or any renewal of the same shall not be deemed the contracting of a debt not payable within the current year under the provisions of section 227.

(3) In every year all taxes collected by the assessor for school purposes and all moneys borrowed under subsection (b) of section 309 hereof shall be kept by the council in a separate account and deposited in a chartered bank, to be credited to a trust fund to be styled "The Edmonton School Taxes Trust Account," and shall only be paid thereout to the school district having right thereto or in repayment of principal or interest of loans the proceeds of which have been deposited as above mentioned.

(4) Notwithstanding anything contained herein or any other Act or Ordinance to the contrary the trustees of any

temporary security as security for such temporary loan, and may secure same in such manner as the council may deem advisable.

(308b) Pending the sale of any debentures issued or authorized to be issued under any by-law, the council in lieu of selling or disposing of such debentures may issued and sell treasury bills or other securities in such form as the council may determine, for an amount not exceeding the face value of such debentures. The said bills may be for any term not exceeding five years and may be secured by the hypothecation of the debentures.

1933, Chap. 63, Section 4.
or school purposes, as the case may be, for the current year, together with the full amount of all arrears; and if the council authorizes the borrowing of any larger sum than the amount aforesaid, every member of the council who votes therefor shall be disqualified from holding any municipal office for two years;

Provided also that under (c) the amount so borrowed shall not exceed in the aggregate the total principal authorized by the by-law or referred by-law providing for the issue of debentures, and all such temporary loans shall be a special charge upon the debentures in anticipation of the sale whereof such temporary loans were made; and where any such work or improvement is in progress the mayor and treasurer may agree with the undertaker thereof or contractor therefor to give and from time to time renew the city's note or bill in payment or part payment until the money required for the same is raised by the sale of debentures.

(2) The mayor and treasurer may give and from time to time renew the city's note or bill in payment or part payment of any debt due by the city; provided always that the giving of any such note or bill or any renewal of the same shall not be deemed the contracting of a debt not payable within the current year under the provisions of section 227.

(3) In every year all taxes collected by the assessor for school purposes and all moneys borrowed under subsection (b) of section 309 hereof shall be kept by the council in a separate account and deposited in a chartered bank, to be credited to a trust fund to be styled "The Edmonton School Taxes Trust Account," and shall only be paid thereout to the school district having right thereto or in repayment of principal or interest of loans the proceeds of which have been deposited as above mentioned.

(4) Notwithstanding anything contained herein or any other Act or Ordinance to the contrary the trustees of any

public or separate school district within the city shall have all the borrowing powers conferred upon a town district by *The School Ordinance* and amendments thereto.

(5) The council without the assent of the burgesses may issue and sell special debentures, bills or other securities in such form and payable at such place or places either within or without Canada and for such period not exceeding five years from the issue of the same, and with such provisions for redemption as the council may by by-law provide, and make the same a first charge on all taxes including school taxes then in arrear, provided that the same shall not exceed the total amount of arrears due at the time of issue and that the rate of interest of such securities shall not exceed eight per centum per annum.

(a) All arrears of taxes against which any such borrowing takes place shall when and as collected be handed over to The Sinking Fund Trustees of the City of Edmonton, who shall deposit same in a savings bank account in some chartered bank or banks, and the moneys so deposited shall be used for the sole purpose of redeeming the securities in the manner provided.

(b) So soon as sufficient arrears of taxes have been deposited with said trustees to meet the principal upon all outstanding securities issued under this provision, all further arrears collected shall be paid to the treasurer of the city in the usual course.

(c) All loans made or hereafter made hereunder are declared to be temporary loans only and shall form no part of the general debt of the city within the meaning of this Act, and it shall not be necessary to recite the amounts secured by any such debentures, bills or other securities in any by-law for borrowing money.

(d) In this subsection, unless the context otherwise requires, the expression "arrears of taxes" or "taxes in arrear" means arrears of municipal taxes and includes taxes for which any parcel of land is sold, notwithstanding that the land has been purchased at a tax sale by the city or that the city has acquired title thereto;

(e) The council may by by-law, which need not be referred to the burgesses, capitalize such arrears of taxes, with penalties and costs and subsequent taxes, up to and including those levied in the year preceding the year in which the by-law is passed, which have accrued against the lands specified in the by-law or any of them, giving in the by-law a list of lands intended to be covered thereby and the total amount of the taxes capitalized as aforesaid, and shall on obtaining the permission of the Board of Public Utility Commissioners for the purpose, issue and offer for sale such debentures to the amount authorized; and may issue debentures to be deposited with the sinking fund trustees to cover any arrears of sinking fund levied but not paid in respect to such arrears of taxes and subsequent taxes;

(f) On the disposal of debentures as authorized by the Public Utility Commissioners, the council shall apply the proceeds in payment of any advances made on security of the taxes due as aforesaid in respect of such lands, and should there be any deficiency shall meet the same from the general revenues of the city; How proceeds to be applied

(g) The council shall forthwith, as often as it is in a position to apply for title to any of the lands mentioned in the by-law, make application therefor and, on obtaining title and leasing or selling the same, the proceeds therefrom shall be deposited in a special account, from the interest earnings of which shall be paid such sums as are from time to time required to meet interest on the debentures and from the principal such sums as are required to meet portions of the principal of the debentures as they may accrue due. Should there be any deficiency the same shall be met from the general revenues of the city; Disposal of proceeds from lands acquired at tax sales

(h) The funds in such special account shall be invested in securities in which the sinking fund of the city may be invested, and from the principal of the fund such sums shall be paid from time to time as are required to provide a sinking fund; Funds to be deposited in special account

(i) If the council applies the proceeds of debentures sold under the provisions of this subsection or the proceeds of the sale or lease of lands specified in the by-law, otherwise than as herein directed, the members who vote for such application shall be personally liable for the amount diverted, and the same may be recovered by the city by action against them in any court of competent jurisdiction; In case of misapplication council to be personally responsible

(j) If the council, upon the request in writing of a ratepayer, or of any person who is a creditor of the city for advances made on the security of the taxes capitalized or any portion thereof, or of a holder of any of the debentures the sinking fund for payment of which has been diverted, refuses or neglects for one month to bring an action therefor, the action may be brought either by any ratepayer on behalf of himself and other ratepayers or by any such creditor or debenture holder; Right of ratepayer or creditor to sue

(k) The members of the council who vote for such application as is mentioned in subsection (i) shall be disqualified from holding any municipal office for two years. Disqualification

(6) Where money has at any time been borrowed against the arrears of taxes for any particular year by the issue and sale of special debentures, bills or other securities charged thereon, and a sufficient amount of such particular arrears to retire the indebtedness have not been paid three months before the maturity of such securities, the council may apply the moneys, if any, which have been paid on account of such particular arrears, towards payment of such indebtedness and in retiring some of such securities at the maturity thereof, and the council may, without the assent of the burgesses, borrow sufficient moneys over and above the amount so paid, to retire all of the said securities at the maturity thereof. The council may borrow such moneys by the issue and sale of Borrowing to retire maturing special debentures permitted

special debentures, bills or other securities in such form and payable at such place or places, either without or within Canada and for such period not exceeding five years, and at such rate of interest not exceeding eight per centum per annum, as the council may by the by-law provide, and may make the same a first charge on all of the said particular arrears of taxes, including school taxes, not theretofore paid. Pending the issue and sale of any such debentures the council may by resolution authorize the mayor and treasurer to raise money by way of a temporary loan from any bank or banks on such debentures or intended debentures to the full amount of the issue or proposed issue. Or instead of borrowing money to retire the said securities, as above provided, the council may apply all moneys received for or on account of such particular arrears in payment of some of such special debentures, bills or other securities, and agree with the holders of the special debentures, bills or other securities not so paid to extend the time for payment of the same for any term not exceeding five years.

Such extension of time may be in such form as the council may by by-law provide and may be made subject to provisions for retiring the securities before the expiry of the time for which such extension is made. Such extension of time may be made by a document attached to the securities or be written, printed or stamped upon the securities, and shall be signed by the treasurer, and his signature may be written, stamped, lithographed or engraved, and such extension of time shall be binding upon the corporation and upon the holder of the securities.

The council may appoint an agent or agents for carrying into effect the matters herein provided for, and may pay him or them reasonable remuneration for his or their services. The council shall pass a by-law or by-laws authorizing any proceedings to be taken under the authority of this subsection, and may by such by-law or by-laws authorize the taking of all proceedings necessary or expedient for carrying into effect the powers hereby conferred upon the council. Any such by-law or by-laws may be passed by the council and shall not require the assent of the burgesses before the final passing thereof, but shall be approved by the Board of Public Utility Commissioners before the final passing thereof.

Lost or
destroyed
debentures

309a. If any debenture or other security issued under this Act is lost, stolen, mislaid or destroyed, the city may upon obtaining the approval of the Public Utilities Board on such indemnity being given as may be required and on payment of the expense of the issue, issue a fresh debenture or other security in the place of the debenture or security so lost, stolen, mislaid or destroyed; and the council may from time to time make such rules and regulations as it may deem expedient in and about the premises.

SINKING FUND

Separate
account to be
kept for
rates and
sinking funds

310. The city treasurer shall keep in his books two separate accounts of every debt, one for the special rate and one for the sinking fund, or for instalments of principal, both to be

distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and he shall keep the said accounts with any others that are necessary so as to exhibit at all times the state of every debt and the amount of moneys raised, obtained and appropriated for payment thereof.

311. If after paying the interest of a debt for any financial year, and appropriating the necessary sum to the sinking fund of such debt or in payment of any instalment of principal, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain and may be applied if necessary towards the next year's interest; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account or shall be applied in payment of the principal of such debt. Disposal of surplus moneys

312. No moneys levied and collected for the purpose of a sinking fund shall in any case be applied towards paying any portion of the current or other expenditures of the city, save as otherwise authorized by this Act. Sinking fund to be conserved

312a. The sinking fund trustees of the City of Edmonton may at any time transfer to the city the whole or any part of the surplus earnings then to the credit of the sinking fund account of the City of Edmonton, and the amount so from time to time transferred shall form part of the general funds of the city and may be used and applied accordingly. Sinking fund surplus

313. In the event of the council diverting any of the said moneys for current or other expenditure, the members of the council who vote for the diverting of said moneys shall be personally liable for the amount so diverted, and the said amount may be recovered by the city by action against them in the supreme court. Liability for diversion of money

(2) The members of the council who vote for the same shall be disqualified from holding any municipal office for the period of two years, and in case the council upon request of any elector refuse or neglect for one month thereafter to bring an action therefor in the name of the city, the action may be brought by an elector on behalf of himself and the other electors of the city.

314. In the event of the council neglecting in any year to levy the amount required to be raised to provide a sinking fund or the instalment of principal necessary for the payment of any debenture debt of the city, every member of the council shall be disqualified from holding any municipal office for the next two years; but no member of the council shall be liable to the penalty hereby imposed who shows to the satisfaction of the judge before whom the question of such member's disqualification arises, that he made reasonable efforts to procure the levying of the rate for such purposes. Neglect to levy sinking fund

Board of
trustees for
the investment
of sinking
fund
constituted

315. The sinking fund to redeem the outstanding debentures of the city and all moneys carried to the credit of the same shall, in each and every year, when received by the treasurer, be deposited by him in some chartered bank to be designated by the council, to the credit of a special account to be called The Sinking Fund Account of the City of Edmonton, and the same shall be under the management and control of and shall from time to time be invested by three trustees, to be known as The Sinking Fund Trustees of the City of Edmonton, two of whom shall be appointed by a judge, on application by the city solicitor on behalf of the city, and the third to be the chairman from time to time of the finance committee of the city council. The said trustees shall hold office until removed by the court or by the council, as the case may be, according to the manner of their several appointments.

Remuneration

(2) Each of the said trustees shall be paid an amount not exceeding ten dollars for each meeting attended, but not to exceed five hundred dollars in any one year. The Commissioners shall be *ex officio* members of said board but without voting power.

City to supply
office room,
etc.

(3) The city council shall find office room for the meetings of the said trustees, but all other costs, charges and expenses, including legal expenses and necessary clerical assistance, shall be paid out of and from the sinking fund.

Meetings
Quorum

(4) All meetings of the said trustees shall be called by the chairman, or, failing his doing so, by the other two trustees. Any two of the said trustees shall form a quorum at any such meeting and all acts done or performed for or on behalf of the said trustees by the said quorum shall be as effectual as if done or performed by the three trustees.

Securities in
which sinking
funds may be
invested

(5) The moneys of the sinking fund account shall be invested by the said trustees for the advantage of the fund in securities of the Government of the Dominion of Canada or of any of the provinces of Canada or any debentures or securities the payment of which is guaranteed by the Government of the Dominion of Canada or of any province of Canada, or in the debentures of any municipality or school district in the Dominion of Canada or in local improvement debentures of the city or any other debentures of the city, or by way of temporary loan to the corporation of an amount not exceeding fifty per cent. of the estimated amount of the municipal taxes to be levied by the general rate of the current year, provided that in the event of such temporary loan such amount shall be replaced by the end of the current year; and from time to time as such securities mature they may invest in other like securities. The said trustees shall regulate the manner in which such investments shall be made and shall have as full power and authority to deal with the sinking fund as the council now has. The said trustees shall whenever required by the council give a detailed statement in writing of the said fund and the manner in which the same is invested.

Redemption of
debentures
before
maturity

(6) The trustees may, if they think it expedient, instead of investing the moneys at the credit of the sinking fund account from time to time in the securities above mentioned, apply

the same towards payment or redemption of any part of the debenture debt of the city or any of the debentures representing or constituting such debt or any part of it, though not then payable.

(7) All moneys required for investment or for the redemption of the debentures of the City of Edmonton shall be paid out by cheque signed by the city treasurer and by one of the trustees, and no part of the sinking fund account shall be withdrawn by them or by any other person except by cheque signed as aforesaid, and except for the due carrying out of the said trust and for the just and proper administration of the same.

How funds
are to be
paid out

(8) The said trustees shall have full power, both at law and in equity, to collect all moneys due upon mortgages or other securities in which portions or all of the said fund have in the past been, or may in the future be, invested, and may take all steps in regard to the adjustment, compromise or collection of the same, and shall have full power to foreclose the said mortgages and the parties making the same and all parties having any interest or claim in or to the property or properties covered by the said mortgages; or they may sell the said properties under power of sale, or otherwise, and give good and valid title to the same, and the said properties, when foreclosed as aforesaid, shall, to all intents and purposes, be vested and remain vested in the city, with power to sell and transfer and deal with the same in as full and ample a manner as they could be dealt with by a private individual in his own name. The said properties may, by the trustees and at their discretion, be leased, rented, insured, occupied or otherwise dealt with from time to time for the benefit of the said sinking fund. When deeds of conveyance are made, of any or all of the said properties, they shall be signed by not less than two of the said trustees in their official capacity, one of whom shall be the representative of the city. When payments are made of the said mortgages or any part of the same, or of any other claim in favor of the said fund, the said trustees, or any two of them, one of whom shall be the representative of the city shall sign such discharges or releases as may be necessary. The trustees shall also have power to sell, assign, transfer or deal with any of the said investments to the best advantage for the benefit of the said fund, the intention being that the said trustees shall have full power and authority to invest and re-invest the said funds or any part thereof, and to collect, compromise, transfer, assign or in any way deal in regard to the same for the benefit of the said fund.

Powers of
trustees

1922 Cap. 11. 53.

(9) The said trustees may when necessary to meet any payments out of the sinking fund borrow money from any person, bank or corporation for any period not exceeding one year and in security for any such temporary loan made as aforesaid they may pledge or hypothecate any securities held by them.

Power of
sinking fund
trustees to
borrow money

(10) The said trustees are hereby declared to be a body corporate under the name of "The Sinking Fund Trustees of the City of Edmonton," and by the same name they and

Trustees a
body corporate

their successors shall have perpetual succession and shall have power to sue and be liable to be sued, implead and be impleaded, answer and be answered unto in all courts and in all actions, causes and suits at law and in equity whatsoever, and they shall have a common seal with power to alter and modify the same at pleasure.

- (11) (a) The said trustees shall have power to receive from any association of civic employees, whether incorporated or not, money in trust, and to invest and accumulate it at such lawful rates of interest as may be obtained therefor and upon such terms as may be agreed upon.
- (b) It shall be a condition of the receipt of any moneys under this subsection that the liability of the trustees to repay the moneys so received or accumulations thereon shall continue notwithstanding any Statute of Limitations or any enactment or law relating to prescription.
- (c) All deposits of money received by the trustees in trust as aforesaid shall be deemed to have been received on the condition that the trustees shall have the right to require at least thirty days' notice for the withdrawal of the amount received or any part thereof.
- (d) The trustees may also receive from the City of Edmonton any of its surplus funds in trust to invest and accumulate at such lawful rates of interest as may be obtained therefor and upon such terms as may be agreed upon.

(e) For the purposes of this subsection the term "civic Employee" shall also mean and include the officers and employees of the Edmonton Hospital Board, the Edmonton Library Board, the Edmonton Exhibition Association Limited, the Board of Trustees of the Edmonton School District No. 7 of the Province of Alberta, and the Board of Trustees of the Edmonton Separate School District No. 7 of the Province of Alberta.

1933, Chap. 63, Section 5.

3174. The city may enter into agreements with the boards of trustees of school districts within the limits of the City of Edmonton whereby the city shall be the agent of the said boards for the sale of the debentures authorized to be issued in pursuance of their by-laws; and whereby the city shall account and pay over to the respective boards the final proceeds arising from the sale of such debentures and the city comptroller or other proper officer shall prepare an account showing the total proceeds of such issue, including any interest accruing thereon by the city and the total charges and expenses incurred in connection with the issue and sale thereof, including all sums paid in respect of stamp duty or other Government or state duty, or tax applicable to the issue or any part thereof, under-

Surplus
income from
civic works

Sale of school
debentures

writers, brokers and agents' fees, legal expenses (printing, if any), postage, cable and telegraph charges, discounts, exchange, interest charges and all other similar expenses; and the comptroller (or other proper officer) shall show in such account the net proceeds of the issue, after payment of all such expenses as aforesaid; and the sum shown by such account to be due to the board shall be a debt due from the city to the board and shall be payable forthwith.

318. REPEALED, 1916, c. 28, s. 21.

318A. The Board of Trustees of the Edmonton School District No. 7 of the Province of Alberta may invest any surplus funds of said district or funds thereof not required to be used in the immediate future in any debentures of the City of Edmonton and may hold or resell the same as and when the said Board shall deem expedient.

PART VII

ASSESSMENT AND TAXATION

319. Subject to the other provisions of this Act the municipal and school taxes of the City of Edmonton may be levied upon (1) land, (2) businesses, (3) special franchises within the city. It shall be the duty of the assessor to make an assessment of all or such number of the above named in the city as he shall be directed by the council and in the manner hereinafter provided.

320. All lands in the city shall be liable to assessment and taxation for both municipal and school purposes, subject to the following exemptions:

(1) The interest of the Crown in any land, including any land held by any person in trust for the Crown;

(2) Land specially exempted by law or held for the public use of the Province of Alberta;

(3) If any land mentioned in the two preceding clauses is occupied by any person otherwise than in an official capacity, the occupant shall be assessed therefor, but the land itself shall not be liable;

(4) The land upon which there is erected any building used as a place of worship and the lands attached thereto or *bona fide* used in connection therewith not exceeding one acre, and also public burying grounds;

(5) The land not exceeding four acres of and attached to or otherwise *bona fide* used in connection with and for the purposes of any university, college, high school, public or separate school, seminary of learning or hospital owned by a "Provided that land upon which reside and of ences for the teaching staff of any such educational institution are situate shall not be land actually used and occupied by such institution within the meaning of this clause but shall be assessable. The right to assess shall apply in the year 1933 as well as in each year thereafter."

1933 Chap. 63. Section 6.

(6) The land exempted under the two preceding clauses shall nevertheless be liable to be assessed for local improvements;

(7) All land belonging to the city and used only for civic purposes;

(8) The land vested in any library board established under the provisions of *The Public Libraries Act*;

(9) All vacant and unimproved lands acquired by the city through forfeiture or sale for arrears of taxes from and after the year in which the city has obtained title thereto and thereafter until the sale thereof by the city; provided that any occupant of any such land shall be assessable in respect of his interest therein. But the said lands shall nevertheless be liable to be assessed for local improvements;

(10) In case any building used as a place of worship is let for the purpose of holding any meeting, assembly, or entertainment and a charge is made for the use of such building for such meeting, assembly, or entertainment, the person or persons to whom such charge is payable shall before the holding of such meeting, assembly, or entertainment, obtain from such officer of the city as the council shall from time to time designate a permit to hold the same and shall pay to the city therefor a fee equal to twenty-five per centum of the charge made for the use of such building in excess of five dollars. The said fee shall be recoverable in the same manner as a license fee payable to the city under the provisions of any by-law of the city.

Basis of
assessment

321. Land shall be assessed at its fair actual value exclusive of the value of buildings and improvements thereon, unless the buildings and improvements shall become assessable as hereinafter provided. In case the value at which any specified land has been assessed appears to be more or less than its true value, the amount of the assessment shall nevertheless not be varied on appeal if the value at which it is assessed bears a fair and just proportion to the value at which the lands in the immediate vicinity of the land in question are assessed.

(2) In estimating the value of any land no regard shall be had to the price at which any land or lands owned by the city and being adjacent to or in the vicinity of the land being assessed has or have been sold or offered for sale by the city to any person who may have been entitled to redeem the land so sold or offered for sale by the city.

BUSINESS TAX

(3) In the year 1918 and thereafter, every person, firm, partnership, company or corporation carrying on, exercising or operating any trade, manufacture, financial or commercial institution, premises occupied as warehouses or storehouses, businesses, occupations, arts, professions or means of profit or livelihood, in the city, shall be assessed on the assessment roll of the city a sum equal to the full annual rental value of the premises, whether buildings or lands or both, in or on which such trades, manufactures, financial or commercial institutions,

businesses, occupations, arts, professions or means of profit or livelihood are respectively carried on, exercised or operated;

Provided that for the purposes of this subsection the annual rental value of the lands of railway companies occupied by railway tracks (including sidings) shall be six per cent. of the valuation per mile of track fixed by the provisions of chapter 30 of the Statutes of Alberta, 1906, and amendments thereto, or by order in council from time to time passed pursuant thereto.

In order to assist in ascertaining the full annual rental value of any premises for the purpose of business assessment, regard may be had to the rents paid for premises of a similar class in the vicinity, in or on which business of a similar nature is, or may be conducted, and the expression "annual rental value" shall be deemed to mean gross annual rental value.

(a) The assessment made under this subsection shall be known as "business assessment" and the tax levied thereon shall be known as "business tax."

(b) Nothing in this subsection contained shall be deemed Exemptions to include any premises used or occupied solely for the purpose of a private dwelling house, private residence or as an apartment, tenement or private lodging house.

(c) Each person, firm, partnership, company or corporation shall pay to the city a business tax not exceeding twenty-five Limit of tax and by whom payable per cent. of the business assessment of such person, firm, partnership, company or corporation as shown on the assessment roll and each individual in any such firm or partnership shall be directly responsible for the payment of such tax.

(d) For the years 1918 to 1919 and in each year thereafter the business tax payable to the city hereunder shall be the following percentage of the business assessment:

- (aa) Every person carrying on the business of a bank or banker, an express company carrying on business on or in connection with a railway or steamboats or other vessels, a telegraph or telephone company, or a railway company, or cabaret, 25 per centum;
- (bb) Every person carrying on the business of a wholesale merchant or wholesale grain dealer, or of a commercial or manufacturers' agent, 15 per centum;
- (cc) Every person practising or carrying on business as a physician, surgeon, oculist, medical electrician, dentist, veterinarian, osteopath, chiropractic, or such like occupation, 15 per centum;
- (dd) Every person carrying on the business of an insurance company, a loan company or a trust company, a land company or a loaning land corporation, or a company carrying on any other financial business, or an automobile dealer, or moving picture theatre, or vaudeville theatre, and every person practising or carrying on business as a barrister, solicitor, notary public, conveyancer, 15 per centum;

(ee) Every person carrying on the business of a retail merchant, of a coal, wood or lumber dealer, lithographer, printer or publisher, including the publisher of a newspaper, photographer, theatre (other than vaudeville or moving picture theatres), concert hall, skating rink, or other place of amusement, or of a boarding stable, or a livery, or the leasing of vehicles or other property for hire, of a restaurant, eating house, or other house of public entertainment, but not including a hotel, and every person practising or carrying on business as a civil, mining, consulting, mechanical or electrical engineer, surveyor, or architect, insurance agent, real estate agent, financial agent, and any other business not specially mentioned in this subsection, subject to the power of the council to classify such other business as hereinafter provided, 10 per centum;

(ff) Every person carrying on the business of a manufacturer, or of a workshop, or of a repair shop, a greenhouse, a hotel, coal mine, brick yard, 6 per centum:

And a manufacturer shall not be liable to be taxed as a wholesale merchant by reason of his carrying on the business of selling by wholesale the goods of his own manufacture on the land subject to such business assessment;

As to any trade, manufacture, financial or commercial institution, premises occupied as warehouses or storehouses, businesses, occupations, arts, professions or means of profit or livelihood not mentioned in the above schedule, the council may classify the same and may fix a different rate for each, and in so doing may place a wholesale business in a class distinct from a retail business of otherwise the same class, and may classify each building or part thereof according to the class of business carried on therein, and may fix a different rate or percentage for different classes of business carried on under the same roof and for storehouses and warehouses or like appurtenant buildings than that fixed for the principal building, and may fix a different rate or percentage for different flats of buildings; provided always that said rate or percentage shall not exceed the said twenty-five per cent.;

Provided that in case it shall at any time before the preparation of the tax roll be satisfactorily made to appear to the assessor that any person subject to the business assessment has given up, sold or disposed of such business to any person who is continuing the same, the assessor shall in preparing the tax roll charge such person with the business tax *pro rata* in respect to the number of months during which he has carried on such business, a portion of the month being taken as a month, and the assessor shall upon the same basis of assessment charge the successor in business in such premises with the remainder of the tax in respect to the year in question. If a person under a business assessment permanently vacates the premises before the first day of July the assessor shall on being satisfied of that fact before preparing the tax roll enter the business tax against such person in regard to such premises at one-half the amount of the tax for the year. Upon it appearing

to the assessor that such person has resumed business in the premises or that any other person has subsequently commenced business therein, he may in either case charge against the party so resuming or commencing business a business tax *pro rata* for the proportion of the remainder of the year in which the business is carried on in the premises.

(e) Notwithstanding anything hereinbefore contained, the council may from time to time pass by-laws for reclassifying the said trades, manufactures, financial or commercial institutions, premises occupied as warehouses or storehouses, businesses, occupations, arts, professions or means of profit or livelihood hereinbefore mentioned, and varying the percentages hereinbefore fixed as payable by any or all of such trades, manufactures, financial or commercial institutions, premises occupied as warehouses or storehouses, businesses, occupations, arts, professions or means of profit or livelihood.

There shall be no rebate, remission or set off in whole or in part of any business tax against any license fee or license fee against business tax; provided the council may in any year by resolution provide for any rebate, remission or set off in respect of any licenses or class of licenses.

(f) The business assessment and business tax provided for in this Act shall not be affected by anything contained in *The Corporations Taxation Act* of the Province of Alberta, or any amendment to the said Act, or by any other Ordinance or Act of the said province. Corporations Taxation Act not to affect

(g) The assessment for business tax provided for in this subsection shall be in addition to the assessment on land or land and buildings and improvements as hereinbefore provided. Business tax to be in addition to land tax

(g1) No person shall be taxed in respect of the same premises under more than one of the clauses of subsection (d), and where any person carries on more than one of the kinds of business mentioned in that subsection on the same premises he shall be taxed in reference to the business assessment of the whole of the premises under that one of those clauses in which is included the kind of business which is the chief or preponderating business of those so carried on by him in or on such premises.

(h) The business assessment may be made in a separate roll and may be made at a different time from the general assessment roll and may be returned or reported upon by the assessor at a different time from the general assessment roll. The court of revision may sit for the hearing of appeals from the business assessment at different times from those fixed for hearing appeals from the general assessment. For the purpose of this clause the two assessments may be treated as separate and distinct. In all other respects the inspection of the business assessment roll, the giving notice of appeal, and the procedure for and at appeals, and for the preparation of a tax roll based thereon, and the collection of taxes, shall be the same as by law are provided for the general assessment, except that appeals from the decision of the Commissioners shall be made directly to a judge without first appealing to the council. Business assessment rolls may be separate from general rolls

(h1) The said business assessment roll with any amendments made by the Commissioners (without being adopted by the council) and certified by the assessor shall thereupon become and be the revised business assessment roll for the city, and shall be valid and binding upon all parties concerned notwithstanding any defect or error therein or with regard thereto, or any defect, error or mis-statement in the notice required by section 331, or any omission to deliver or transmit such notice;

Provided that there shall be a right of appeal from the decision of the Commissioners to the judge as provided in respect of the general assessment.

Tax rolls
also may be
separate

(i) The business tax roll may be included in the general tax roll of the city, or may be separate and distinct therefrom, and the business tax may be made due and payable on the same date or dates as general taxes, or on any other date or dates as the council of the city may by by-law fix therefor; provided, if no such by-law is passed, the date or dates for the payment of business tax shall be the date or dates for the payment of general taxes.

Special
license fee on
transients

(j) The council may by by-law impose a special license fee upon persons, firms or corporations who occupy business premises for temporary periods or who commence business after the final revision of the business assessment roll and whose name is not entered on such roll.

This paragraph shall apply to and include every person moving into new premises or opening new premises or branches of an existing business after the final revision of the business assessment roll, notwithstanding his name is entered on such roll, and shall also apply to any person who may have commenced business before the final revision of the business assessment roll, but whose name is omitted from such roll.

(k) The council may also impose a special license fee upon all persons, firms or corporations so soon as they commence to carry on any business within the City of Edmonton. The said fee shall be set off against any business tax which may be payable by any such person, firm or corporation during the then current year or against the aforesaid special license fees, as the case may be. The aforesaid special license fees may be in the nature of a tax for revenue purposes.

Occupant
of building
liable although
also owner

(4) The occupant of any building liable to taxation under any of the preceding sections shall be liable for the business tax aforesaid though he may also be the owner of the premises and liable as such owner to taxation on the lands, buildings and improvements.

(5) No person who is assessed in respect of any business or special franchise shall be liable to pay a license fee in respect of the same business or special franchise save as aforesaid.

ASSESSMENT AND TAXATION OF BUILDINGS AND IMPROVEMENTS

321A. In the year 1918 and in each subsequent year all buildings and improvements on land within the city shall be assessed at sixty per centum of their actual value, which shall be the amount by which the value of the land is thereby increased; Buildings and improvements to be taxed 60 per cent. of actual value

Provided that the council may in any year and from time to time by by-law or resolution, classify all buildings in the city into (1) residences, (2) business premises, and (3) semi-business premises, and may order that all buildings in all or any of the said classes be assessed at a lower or greater percentage than said sixty per cent. but not less than fifty per cent. The council may specify the buildings to be included in each of said classes.

(2) For the better determining of the value of a building or other improvement for assessment purposes, it is hereby declared that the cost thereof is only one of the matters which shall be considered in this connection, and if it is found that a building or other improvement, either because of its conditions as to repair or of its inappropriateness to its location or because of any other circumstances affecting its value, increases the value of the land by less than the cost of the building or the cost of replacing it, such less sum shall be the amount of the assessment hereunder. Manner of arriving at value

(3) In the year 1918 the assessment of buildings and improvements may be made in a separate roll and may be made at a different time from the general assessment roll, and may be made and reported upon by the assessor at a different time from the general assessment roll. The court of revision and appeals therefrom may sit at different times from those fixed for the hearing of appeals from the general assessment, and the two assessments may be treated as separate and distinct. In all other respects the inspection of said roll, the giving notice of appeal, the procedure for and at appeals and for the preparation of a tax roll based thereon, and the collection of taxes shall be the same as by law are provided for the general assessment.

(4) In assessing land having any buildings thereon, the assessment value of the land and buildings as hereinbefore defined shall be ascertained separately and shall be set down separately in the assessment roll either in the same or separate columns, and the assessment shall be the sum of such values. In case any land and the buildings thereon are owned by different persons, the buildings shall be assessed to the owner or occupier thereof and the land to the owner thereof.

322. The council may divide the city into assessment districts, and may appoint one or more assistant assessors to aid the city assessor in the work of assessment. Assessment districts

ASSESSMENT ROLL

Adoption of
previous
assessment

322A. Notwithstanding any of the provisions of *The Edmonton Charter* or amendments thereto, the council may by by-law:—

1. Provide for the procedure to be followed in the making of the assessment roll or rolls of the city and for the procedure on appeal therefrom;

2. Provide that in any year no new assessment shall be made within the whole or any part of the city, and in so doing may adopt the whole or any part of the assessment roll for the previous year;

3. Provide that where any assessment, whether made under the above provision or otherwise, is not increased or decreased by the assessor above the assessment of the previous year, it shall not be necessary to send out the notice of assessment provided by section 328, but the publication of the notice provided by section 327 shall be deemed sufficient notice of assessment in all cases where the amount of the assessment has not been increased or decreased; provided, however, that where the amount of any assessment has been increased or decreased, notice as required by said section 328 shall be sent out.

Form of
roll

323. In the year 1918 and each year thereafter the assessor shall, not later than the thirty-first day of October, make up the assessment roll or rolls for the city for the next succeeding year, which may be in the following form with such variations as may be required; and the council may from time to time make such directions as it shall see fit as to the manner of making up and keeping the same, and the tax roll may be a continuation of such roll:

ASSESSMENT ROLL FOR YEAR 19	No. of assessment.	
	The names in full (if the same can be ascertained) of every person taxable in the city.	
	Post Office Address.	
	Owner.	
	Brief description of the taxable property	
	The fair actual value of each piece, parcel or lot of land or of the interest of the taxable person therein.	
	Business assessment.	
	Taxable income.	
	Special franchises.	
	Total amount of assessment.	
CITY OF EDMONTON	Public or Separate School.	
	Date of assessment.	
	Value of property exempt from taxation.	
	Date of delivery or posting of notice.	

323A. Notwithstanding any provision or provisions contained in *The Tax Recovery Act* or *The Supplementary Revenue Act*, the council may at any time and from time to time direct the assessor of the City of Edmonton not to assess or place upon the assessment roll of the city any or all lands which have been sold to it for arrears of taxes and in regard to which the redemption period has expired. And the assessment roll of the City of Edmonton for the current year shall be valid and binding upon all persons notwithstanding that any such lands have not been assessed therein.

Assessment of
lands sold at
tax sale

324. Repealed 1917, c.46, s.4.

Fraudulent
assessments

325. If any assessor makes fraudulent assessments, or wilfully and fraudulently inserts in the assessment roll the name of any person who should not be entered therein, or wilfully or fraudulently omits the name of any person who should be entered therein, or wilfully neglects any duty required of him by this Act, he shall be liable to a penalty of \$100.

Revision
of roll by
committee
of council

326. After the assessor shall have completed the assessment roll, the council may appoint a committee who shall examine the roll and report to the council such alterations therein, if any, as the committee deems it desirable to make, and the council shall, on consideration of such report, direct the assessor to make such alterations in the roll as the council shall deem expedient, and the roll shall be amended accordingly.

Publication

327. The assessor, within three weeks after the completion of the assessment roll to the approval of the council, shall publish in a newspaper published in the city, and post up in his office at the city hall, a notice in the following form:

"CITY OF EDMONTON

"ASSESSMENT ROLL, 19.....

"Notice is hereby given that the assessment roll of the City of Edmonton for the year 19....., has been prepared and is now open for inspection at my office in the city hall from ten a.m. to four p.m. on every day which is not a public holiday, except Saturday (and on that day from ten a.m. to twelve o'clock noon), and that any ratepayer who desires to object to the assessment of himself or of any other person must within thirty days after the date of this notice lodge his complaint in writing at my office.

"Dated this.....day of.....19.....

A.B.,
Assessor."

Notice by
post to
persons
assessed

328. The assessor shall also, within three weeks after the completion of the assessment roll to the approval of the council, transmit by post to every person named therein an assessment slip containing the particulars appearing in the roll with respect to such person.

(NOTE—But see section 322A.)

(2) There shall be appended to every such assessment slip a notice of the last date upon which complaints or appeals may be lodged as fixed by the notice under the preceding section, and there shall be endorsed thereon a written or printed form of complaint or appeal as given in section 330.

(3) No assessment shall be invalidated by any error in the assessment slip transmitted as aforesaid, or by reason of the nontransmission or nonreceipt thereof by the person to whom it was addressed.

(4) If by mistake of the assessor any person be assessed as the owner of land who is not in fact the owner thereof, taxes levied against the land shall nevertheless be a valid charge against the same.

329. If any person named in the said roll thinks that he or any other person has been assessed too low or too high, or that his name or the name of any other person has been wrongfully inserted in or omitted from the roll, or that any person who should be assessed as a public school supporter has been assessed as a separate school supporter or *vice versa*, he may within the time limited as aforesaid give notice in writing to the assessor that he appeals to the commissioners to correct such error, and in such notice he shall give an address where notices may be served upon him. Appeal to
Commissioners

330. Every such complaint or appeal may be in the following form: Form of
appeal

“TO THE COMMISSIONERS OF THE CITY OF EDMONTON:—

“Sir,—I hereby appeal against assessment No.....in ward No..... (or as the case may be) on the following grounds (*here state grounds of appeal*).

“Dated this.....day of.....19.....

C.D.,

Appellant.”

(*Address for service of notice.*)

331. The assessor shall forthwith notify every such appellant, and every other person whose assessment is affected, or may be affected by such appeal of the time and place of the sittings of the commissioners to hear the said appeal. Every such notice shall be mailed to the post office address of the appellant as given in his notice of appeal at least three days before the sittings of the commissioners. Notice of
hearing

332. Before the sitting of the commissioners the assessor shall prepare a list of the appeals in the following form which list shall be posted up on a notice board at the door of the city hall and shall continue so posted during the sittings of the commissioners: List of
appeals

“*Appeals to be heard by the Commissioners of the City of Edmonton on the.....day of.....19.....*

“ APPELLANT.	RESPECTING WHOM.	MATTER COMPLAINED OF.
--------------	------------------	-----------------------

“ A.B.	Self.	Overcharged on land
“ C.D.	E.F.	Name omitted.
“ G.H.	J.K.	Not <i>bona fide</i> owner or tenant.”

333. The assessor shall be the clerk and secretary of the commissioners when they are sitting upon assessment appeals. Assessor to
be clerk

Hearing of
appeals

334. The appeals shall be heard as far as possible in the order in which they stand upon the said list, but the commissioners may adjourn or expedite the hearing of any appeal as they think fit.

Non-
appearance
of appellant

335. If the appellant or any other person whose assessment is affected or may be affected by the result of the appeal fails to appear in person or by an agent, the commissioners may proceed *ex parte*.

Evidence

336. It shall not be necessary to hear upon oath the appellant or assessor or the person complained against, except where the commissioners deem it necessary or proper, or where the evidence of the person is tendered on his own behalf or is required by the opposite party. All oaths required to be administered to witnesses giving evidence may be administered by the chairman presiding at the hearing.

Close of
sittings

337. All the duties of the commissioners under the foregoing sections shall be completed by the thirty-first day of December.

Amendment
of roll

338. Forthwith after the conclusion of the sittings the assessor shall amend the assessment roll in accordance with the decisions of the commissioners. Every such amendment shall be made in ink of a different colour from that of the original roll and shall be verified by the initials of one of the commissioners.

Appeal to
council

339. An appeal to the council may be taken within three days after the close of the commissioners' sittings either by the assessor or by any person entitled to appeal to the commissioners, not only against any decision of the commissioners, but also against any omission, neglect or refusal of the commissioners to hear or decide an assessment appeal. Such appeal to the council may be in the form given in section 330, and shall be delivered or posted to the city clerk, who shall bring the same before the first meeting of the council after the receipt thereof, and the council shall then fix a date for the hearing of the appeals.

Notice of
hearing

340. Notice of such appeal and of the time and place at which the appeal will be heard shall be served by the city clerk on the parties concerned therein in manner provided for in section 331.

Hearing by
Council

341. At the time and place appointed the council shall hear the said appeal, and if the appellant or any person notified as aforesaid fails to appear in person or by his agent, the council may proceed *ex parte*.

Notice to other
persons

342. If upon the hearing of any such appeal it appears that the assessment of persons other than those already notified may be affected by the result of the appeal, the council may direct notices to be given to such persons by the appellant,

and may adjourn the hearing from time to time, but all appeals to the council shall be determined on or before the twentieth day of January, after which date the council shall have no power to hear an appeal.

343. Upon any appeal upon any ground against an assessment the commissioners or council may re-open the whole question of the assessment, so that omissions from, or errors in the assessment roll may be corrected, and the amount for which the assessment should be made, and the person or persons who should be assessed therefor may be placed upon the roll by the commissioners or council. Any amendments in the roll which are rendered necessary by the decision of the council shall be made by the assessor and intialled by the mayor or other presiding officer. ^{Amendment of roll}

344. The roll with any amendments made as aforesaid shall be adopted by the council and certified by the assessor on or before the thirty-first day of January, and shall thereupon become and be the revised assessment roll of the city. ^{Adoption of roll by council}

345. The roll as finally passed by the council and certified by the assessor shall be valid and binding on all parties concerned, notwithstanding any defect or error therein or with regard thereto, or any defect, error or misstatement in the notice required by section 331, or any omission to deliver or transmit such notice; provided that there shall be a right of appeal from the decision of the council to the judge, as provided by and according to the procedure hereinafter prescribed. ^{Amended roll binding}

346. An appeal to a judge of the district court of the Judicial District of Edmonton shall lie not only against the decision of the council on an appeal, but also against the omission, neglect or refusal of the council to hear or decide an appeal to them. ^{Appeal to judge}

§ 1752, Sep. 11, Sec 30 affecting

347. In all appeals under the provisions of the preceding section the proceedings shall be as follows: ^{Proceedings on appeal}

(1) The appellant shall in person or by agent serve upon the city clerk within eight days after the decision of the council a written notice of his intention to appeal to the judge;

(2) The city clerk shall immediately after the time limited for service of such notice forward a list of all appeals to the judge, and the judge shall fix a day for the hearing of such appeals; ^{Notice of appeal}

(3) The city clerk shall immediately upon the judge fixing the day for the hearing of such appeals give notice in writing to all parties interested in the said appeals respectively of the time and place fixed by the judge for the hearing of the same; ^{Assessor to notify parties interested in appeals}

(4) Every such notice shall be mailed by registered letter to the post office address of the appellant or his agent, as entered on the assessment roll at least seven days before the day fixed by the judge for hearing the appeals; ^{Time of notice}

Provided, however, that in the event of failure by the city clerk to have the required service of notice, made or to have the same made as required by this Act, the judge may direct the service to be made for some subsequent day then to be fixed by him for the hearing of the appeal;

City clerk
to be clerk
of court

(5) The city clerk shall be the clerk of the court to be held by the judge for hearing the appeals, and may issue subpoenas for the attendance of witnesses and the production of documents at said court;

Hearing and
determination
of appeals

(6) At the court so holden the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure, but all appeals shall be determined before the fifteenth day of March; all deferred judgments shall be in writing and when given shall be filed with the city clerk.

Proceedings
before judge

(7) At the court to be holden by the judge to hear the appeals, the assessor shall appear and produce the assessment roll and all papers and writings in his custody connected with the matter of appeal, and such roll shall be confirmed, altered or amended according to the decision of the judge if then given who shall write his initials opposite any part of the said roll in which any mistake, error or omission is corrected or supplied and if the judge reserves his judgment the assessor shall when the same is given forthwith alter and amend the roll according to the terms of the judgment, and shall write his own name opposite every such alteration or correction;

Judge's
powers

(8) In such proceedings the judge shall possess all such powers for compelling the attendance of and for the examining on oath of all parties whether claiming or objecting or objected to and all other persons whatsoever and for the production of books, papers, rolls and documents and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by a judge of the district court in respect of any civil proceedings in said court;

Style of
cause

(9) All process or other proceedings in, about or by way of appeal may be entitled as follows:

"In the matter of appeal from the council of the city of Edmonton,

"Between,

A.B.

Appellant,

and

C.D.

Respondent."

Costs

(10) The costs of any proceedings before the judge as aforesaid shall be paid by or apportioned between the parties in such manner as the judge thinks proper; and where costs are ordered to be paid by any party the same shall be enforced by execution to be issued as the judge may direct from the District Court or in the same manner as upon an ordinary judgment for costs recovered in such court;

(11) The costs chargeable or to be awarded in any case ^{Taxation} may be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the allowance in court for such costs; and in cases where execution issues the costs thereof as in the like court and of enforcing the same may also be collected thereunder;

(12) The decision and judgment of the judge shall be final ^{Decision final} and conclusive in every case adjudicated upon and can only be appealed from by a unanimous vote of the council.

(13) If the council be of opinion that as a result of any one or more appeals it is desirable to revise the whole or any part of the assessment roll or rolls in regard to land, improvements or business, it may at any time before passing any by-law ordering the levy of the annual rates or taxes, order a new assessment to be made of the whole city or of any district, subdivision, block or portion thereof; such new assessment shall not be subject to any appeal except when the new assessment is beyond the amount of the former assessment or is above the amount at which it was fixed on appeal from the previous assessment. ^{Council may revise assessment roll and re-assess after appeal}

348. A copy of the roll or of any portion thereof written or printed, without any erasure or interlineation, under the seal of the city, and certified to be a true copy by the assessor, shall be received as *prima facie* evidence in any court of justice without the production of the original assessment roll. ^{Evidence of roll}

349. If at any time it appears to the assessor that any land liable to assessment has not been assessed for the current year, or for either or both of the next two preceding years, he shall enter an assessment of such land on the next roll in respect of the year or years omitted, and the valuation of the land for each of such years shall be the average assessed value of the immediately adjacent land. Appeals by any person so assessed in respect of such land shall be made and dealt with in the same manner as general assessment appeals. ^{Omissions from roll}

350. Where a person claims to be assessed or claims that another person should be assessed or named in the assessment roll so as to be entitled to be an elector, and the assessor has reason to suspect that the person so claiming, or the person on whose behalf the claim is made, has not a just right to be so assessed or to be named in the roll so as to be entitled to be an elector, the assessor shall make reasonable enquiries before assessing or naming any such person in the assessment roll; ^{Duties of assessor as to entries}

(2) Any person entitled to be assessed or to have his name inserted in the assessment roll shall be so assessed or shall have his name so inserted upon his request in that behalf; and a person entitled to have his name so inserted in the assessment roll shall have the same right to apply to have the name of any other person inserted therein as the other person would or could have had personally, unless such other person actually dissents therefrom; ^{Name eligible person to be entered on roll on request}

Penalty for
wrongful
insertion

(3) Any person who wilfully and improperly inserts or procures the insertion of the name of a person in the assessment roll, and any person who wilfully inserts or procures the insertion of any fictitious name in the assessment roll, and any person who wilfully and improperly omits or procures the omission of the name of any person from the assessment roll, or assesses or procures the assessment of a person at too low an amount, with intent in any such case to deprive that person of his right to be an elector, shall upon summary conviction be liable to a penalty of \$25 with costs, and to imprisonment for a period not exceeding thirty days unless said penalty and costs are sooner paid.

Public or
Separate
School
Supporters

(4) The assessor shall accept the statement of any ratepayer or a statement made on behalf of any ratepayer by his authority that he is a supporter of public schools or of separate schools as the case may be, and such statements shall be sufficient *prima facie* evidence for entering opposite the name of such person in the assessment roll, the letters "P.S.S.," or "S.S.S.," as the case may be, and in the absence of any such statement the assessor shall enter the ratepayer as a supporter of public schools.

Information
to be given

351. It shall be the duty of every assessable person to give to the assessor all information necessary to enable him to make up the roll, but no statement made by any such person shall bind the assessor or shall excuse him from making inquiry as to its correctness.

Correction of
errors and
omissions

352. The commissioners or council may at any time correct any gross and palpable errors in the roll, and any corrections so made shall be initialled by the city clerk.

RATES

Rate fixed by
council

353. The council shall in each year fix by by-law and assess and levy upon all land and special franchises assessed upon the last revised assessment roll, such rate or rates as shall be necessary to raise the estimated amount of money required for the use of the city during the year, together with such sums as shall be annually required by the trustees of the various school districts having jurisdiction within the city for school purposes, making due allowances for estimates of revenue from other sources, the costs of collection and for the abatement of taxes and for taxes which may not be collected; but the council shall not levy in any one year for municipal purposes, exclusive of debenture rates, school rates and local improvement rates, more than an aggregate rate of two cents on the dollar upon the total value of assessable lands and special franchises in the city according to the last revised assessment roll thereof.

Council may
fix lesser rate
in certain
cases

(2) In case any area within the city has been dealt with by the Board of Public Utility Commissioners under the provisions of *The Public Utility Act* so that an order has been made whereby a special rate of assessment or taxation is ap-

plicable to certain lands therein, the council may fix the rate to be levied for general municipal taxes upon the lands within such area to which the order of the board does not apply at the same rate as that fixed by said board upon the lands to which its order applies, notwithstanding such rate is less than the rate fixed upon lands without the limits of such area.

354. The council shall pass a by-law or several by-laws ^{By-law authorizing levy} authorizing the levying and collecting of a rate or rates fixed in pursuance of the preceding section, of so much on the dollar upon the assessed value of the assessable property in the city as shall be sufficient to raise the sums required according to such estimate.

355. If the amount collected falls short of the sum required ^{Deficiency} the council may direct the deficiency to be made up from any unappropriated fund belonging to the city.

356. If there is no unappropriated fund, the deficiency ^{Equal deduction} may be equally deducted from the sums estimated as required or from any one or more of them.

357. If the sums collected exceed the estimates, the balance ^{Surplus} shall form part of the general funds of the city, and shall be at the disposal of the council unless otherwise especially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality, the amount in excess collected on account of such special tax shall be appropriated to the special local object for which it was collected.

358. The rates or taxes imposed or levied for any year shall be considered to have been imposed and to be due on ^{Date of maturity of taxes} and from the first day of January of the then current year ending with the thirty-first day of December thereof, unless otherwise expressly provided for by the by-law under which the same are directed to be levied.

359. The council may in addition to all other rates and ^{Special rate for park} assessments levy in each year a special rate to furnish the amount estimated by the commissioners to be required for the year and decided upon by the council to be spent for the improving and maintenance of the public parks, squares, places and recreation grounds in the city, and such money shall be known as the "Park Fund;" but the rate of such assessment shall not in any year exceed three-quarters of a mill on the dollar on all property liable to assessment for general municipal purposes.

359A. Except as hereinafter provided, every person, male ^{Service Tax} or female, of the age of twenty-one years or over, who resides in the City of Edmonton for at least three months shall, upon the passing of a by-law therefor, pay to the City of Edmonton each year, as part of the general revenue of the city, a tax for services rendered by the city, herein referred to as "the service tax," or "the said tax."

Residence	(2) For the purposes of this section, residence within the City of Edmonton shall be understood as residence therein for the said period of three months, irrespective of whether such person intends to reside in the city permanently or whether or not the said period of residence is wholly or in part only within the year in which the said tax becomes due.
Amount of tax	(3) The amount of the annual service tax payable by each person liable therefor shall be not less than the sum of \$1 or more than the sum of \$250 as provided for in the next subsection.
Classification and rate	(4) The council of the city is hereby empowered from time to time to pass by-laws fixing the amount of the service tax to be payable annually or in any year by all persons as above provided, and for the said purpose may adopt any basis of classification the council may deem advisable, and may differentiate between the amount payable by the different classes of persons as defined in the said by-law.
Council may allow exemptions	(5) The council may also by by-law provide for exempting from the said tax any class or classes of persons.
Council may fix basis of tax	(5a) Notwithstanding anything contained in <i>The Edmonton Charter</i> or amendments thereto, the council may make the basis of the said tax and may impose, levy and collect the said tax upon the wages or salary likely to be paid to any person during the year in which said tax is made payable, by by-law of the council or upon the estimated income for the year in which the said tax is made so payable or upon the wages or salary paid to any person for the year preceding the year in which the said tax is so payable or upon the income of any person for the year preceding the year in which the said tax is so payable or upon any other basis which to the council may seem proper.
Council may define income	(5b) For the purposes of the said tax the council may by by-law define the word "income" and the tax may be made payable upon income so defined. The council may include in the definition of the word "income", personal and living expenses, clothing and allowances when such form part of the profit, gain or remuneration of the person liable to pay the tax. This power shall be deemed to have always been in force.
Council may allow offsets	(5c) The council may make such allowances for dependent relations, desertion or other particular domestic circumstances, and such allowances for or total or partial offsets against other municipal taxes as to the council may seem advisable.
When tax due in 1921	(6) The service tax for the year 1921 shall become due and payable on the first day of July, 1921, unless the council by by-law fixes an earlier date for the payment thereof, in which case the service tax shall become due and be payable on the date fixed by such by-law.
When due	(7) The service tax shall become due and payable in each year on such date as may be fixed by by-law; Provided that notwithstanding by any provision of <i>The Edmonton Charter</i> or amendments thereto or of any by-law

of the city a date is stated, when the service tax for the year 1925 is due and payable, the council may by by-law fix any other date for the payment thereof.

(8) If any person has not resided within the city for three months prior to the date the service tax becomes due and payable in any year, such person shall become liable to pay the city the said tax for that year so soon as such person shall have been a resident of the city for three months. When resident becomes liable

(9) The service tax shall be due and payable from each person liable therefor upon and after the date such tax becomes due and payable in any year, or so soon as any person shall have been a resident of the city for three months, without any formal demand thereof. Three months' residence

(10) Every employer, including partnerships and companies, shall upon application therefor to such employer, or to the manager of the business of such employer, either personally, or by letter addressed to the place of business, furnish forthwith to the assessor of the city, or to any person authorized by him to apply therefor, the name and address of each and every person in his or its employ, and the wages or salary paid to such employee, and any other information that may be reasonably required for the purpose of the said tax. Employers to furnish information as to employees

(11) Every person shall furnish forthwith, upon request made therefor by the assessor of the city or by any other person authorized by him to apply therefor, his or her name, place and period of residence within the city, and shall also inform the assessor whether he or she is of the age of twenty-one years or over and shall give such information respecting his or her income, wages, salary or earnings for the previous or current year, or probable income, wages, salary or earnings for the current year as may be required for the purpose of fixing the amount of his or her service tax, and any other information the council or the assessor may require from any person or class of persons for any of the purposes of the said tax. Furnishing information

(11a) The city assessor and all other officers and employees of the city whose duty it shall be to keep a record of the returns to be made for the payment of the said tax shall take an oath of secrecy in a form to be prescribed by by-law before a justice of the peace or commissioner for oaths for the Province of Alberta, and no person employed in the service of the city shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained in respect to the said returns or allow any such person to inspect or have access to any such written statement or return furnished under the provisions of this section. Any person violating any of the provisions of this subsection shall, in addition to any other punishment that may be prescribed by law, be liable on summary conviction to a fine not exceeding \$100 and costs. Secrecy by employees

(12) Every employer, and the manager of the business of such employer, and every person who refuses or neglects for three days after request made therefor, to furnish the Penalty for refusal

information required to be furnished under either of the said two preceding subsections, or who furnishes any false information, shall upon summary conviction thereof be liable to a penalty not exceeding \$100.

Employers to
pay employees'
tax when
required

(13) Every employer shall pay to the City of Edmonton within one month after notice by the assessor of the city the full amount of the service tax payable to the city by any employee of such employer, whether such tax has been previously demanded from such employee or not, and the amount so paid may be deducted by the employer from the wages or salary of the employee.

How tax
recoverable

(14) The service tax may be recovered by suit in the name of the city as an ordinary debt from any person liable to pay same, and may also be recovered by distress and sale of any personal property belonging to such person at any time after such tax becomes due and payable; provided, however, that before action is commenced, or seizure is made, demand in writing for payment of the service tax shall have been delivered to such person or shall have been mailed to the correct address of such person.

Notice before
enforcement

(15) In the case of the person primarily liable for the said tax at least three days, and in the case of the employer at least one month, shall have elapsed after the delivery or mailing of such demand, the service tax shall be collectable in the manner aforesaid on behalf of the city by the assessor of the city, or any person duly authorized for such purpose.

Register to
be kept

(16) The assessor shall keep a register of the names and addresses of all persons who have paid to the city the service tax in any year, and the names of all such persons shall be added to the list of electors of the city for the year by the the assessor unless such names already appear on the list of electors for that year, or unless the list of electors shall have been completed prior to the payment of the said tax.

Assess or to
prepare
tax roll

360. On or before the first day of May in each year, the assessor shall prepare a tax roll, and shall proceed to collect the taxes specified therein.

Collectors of
taxes

361. The council may, if they think it expedient, appoint a collector or collectors of taxes to assist the assessor in the work of collection, or to collect the taxes independently of the assessor's office, as may be by by-law determined, and may by such by-law apportion the duties of the assessor under this part of this Act, and transfer such portion thereof as may be most convenient to any collector or collectors so appointed.

Contents of
tax roll

362. The tax roll may be a continuation of the assessment roll, and shall in that way or independently contain:—

- (a) The name of every person assessed;
- (b) His residence, or in the case of a company its place of business;
- (c) The nature of the property in respect of which he is assessed;
- (d) The total amount for which he is assessed and taxed; and there shall be calculated and set down opposite each such entry, in appropriately headed columns, the

sums for which such person is chargeable by way of taxes on account of (1) the general taxes, which may include general debenture tax; (2) special taxes; (3) school taxes; and (4) arrears, and the total thereof.

363. In the event of any part of the territory comprised within the limits of the City of Edmonton as bounded and defined in this Act, or within the limits of any future extension of the city, having been before inclusion in the city wholly or partly within the boundaries of any school or local improvement district or any previously separate and independent municipality, the person or persons having the custody of all rolls showing any taxes or assessments against the lands in any such territory shall forthwith, upon demand by the assessor of the City of Edmonton, furnish him with a copy of so much of said roll or rolls as shows such taxes or assessments. Upon receipt thereof the assessor shall add the same to the city tax rolls, and the amounts so shown shall thereupon be and become taxes due to the city, and all the provisions of this Act in relation to the collection of taxes shall apply thereto, and the city alone shall have the right and authority to collect the same, and shall upon receipt of such taxes or any part thereof pay the same over to the person or body by law entitled to receive the same.

School and
other taxes
without
original city
limits

364. Where the assessable value of any parcel or parcels of land according to the assessment roll is so small that the rate imposed would not subject such parcel or parcels of land to the payment of as high a tax as the sum of fifty cents each and every such parcel or parcels of land shall be taxed the sum of fifty cents, and such sum shall be placed on the tax roll against such parcel or parcels of land.

Provision for
small values

365. The assessor shall on demand give to any person requesting the same, a certificate showing whether or not there are any arrears of taxes, and if so to what amount owing, in respect of any land or any lot or parcel thereof, and he may charge twenty-five cents for the search in respect of each separate lot or parcel not exceeding four, and for every additional ten lots or parcels, or less number, if there be less than ten, twenty-five cents; and the council may by by-law provide that the assessor may for searches regarding any entry upon the assessment roll or tax roll, charge fees at a rate not exceeding ten cents for the first entry, and five cents for each subsequent entry in respect whereof a search is made at the same time.

Search fees
and
certificates

366. As soon as the tax rolls are completed the assessor shall with all due despatch, and at least thirty days prior to the last day upon which discount is allowed for payment, when any discount is allowed by the council, transmit by post a notice containing a statement and demand of taxes to each person whose name appears on said rolls, or to the agent of such person whose address has been transmitted to him distinguishing between:

Tax notices

- (1) Taxes on land,

- (2) Taxes on special franchise,
- (3) School taxes, and
- (4) Local improvement or other special tax;

and such statement and demand shall specify the time when such taxes are required to be paid, and when the discounts and additional percentage charges will be allowed or charged; and the assessor shall enter or cause to be entered in said rolls, opposite the name of the person taxed the date of posting such notice, and such entry shall be *prima facie* evidence of the posting of such notice, but any omission or error in such notice or failing to post the same within the time specified, shall not invalidate any taxes levied or relieve any person from the payment thereof.

Payment by
instalments

367. The council may by by-law require payment of taxes, including local improvement rates, sewer rates, school rates and all other rates, to be made by the taxable person at the office of the city assessor on any day or days and in bulk or by instalment, and they may also provide that on punctual payment of any instalment the time for payment of the remainder may be extended to a day or days to be named in the by-law.

Penalties on
taxes unpaid

368. The council may by by-law require any or all taxes authorized to be imposed under any provision of *The Edmonton Charter* or any amendment thereto or any instalment thereof to be payable on a certain day or days and may by way of penalty impose such additional percentage charge not exceeding ten per centum as the council shall deem expedient for the non-payment of such taxes or any instalment thereof on any day or days therein named, and may make such percentage charge on a sliding scale according to the time the said taxes or any instalment thereof may remain unpaid. *The Council etc. 1779 Cap 63 S1*

When
penalties to
be added to
new taxes

(2) In the event of any of the said taxes together with said percentage charge of eight per centum remaining unpaid after the thirty-first day of December of the year for which the same are imposed, there shall be added thereto by way of a penalty a sum equal to two per centum of such taxes remaining unpaid, and in the event of such taxes or any part thereof still remaining unpaid after the thirty-first day of March of the following year, there shall be added thereto a further penalty of two per centum of such taxes so remaining unpaid and in like manner quarterly thereafter until the end of the year, when the total amount of the penalties so added shall form part of the taxes; and penalties for the succeeding year shall be imposed quarterly (on the first days of the months of January, April, July and October) and added to the taxes annually in the manner aforesaid and so on from year to year until the taxes and penalties are paid; but nothing in this section contained shall be construed to extend the time for payment of the said taxes or in any way to impair the right of distress or any other remedy which is provided by this or any other Act for the collection of taxes. *Provided however etc. 1779 Cap 63 S2*

- (2) Taxes on special franchise,
- (3) School taxes, and
- (4) Local improvement or other special tax;

and such statement and demand shall specify the time when such taxes are required to be paid, and when the discounts and additional percentage charges will be allowed or charged; and the assessor shall enter or cause to be entered in said rolls, opposite the name of the person taxed the date of posting such notice, and such entry shall be *prima facie* evidence of the posting of such notice, but any omission or error in such notice or failing to post the same within the time specified, shall not invalidate any taxes levied or relieve any person from the payment thereof.

Payment by instalments

367. The council may by by-law require payment of taxes, including local improvement rates, sewer rates, school rates and all other rates, to be made by the taxable person at the office of the city assessor on any day or days and in bulk or by instalment, and they may also provide that on punctual payment of any instalment the time for payment of the remainder may be extended to a day or days to be named in the by-law.

Penalties on taxes unpaid

368. The council may by by-law require any or all taxes authorized to be imposed under any provision of *The Edmonton Charter* or any amendment thereto or any instalment thereof to be payable on a certain day or days and may by way of penalty impose such additional percentage charge not exceeding ten per centum as the council shall deem expedient for the non-payment of such taxes or any instalment thereof on any day or days therein named, and may make such percentage charge on a sliding scale according to the time the said taxes or any instalment thereof may remain unpaid. *The Council etc. 1933 Chap. 63, 51*

When penalties to be added to new taxes

"The council may also by by-law in any year give such allowance or discount for prepayments on account of taxes as the council may determine on or before a date to be set in the by-law and may provide for the application of such payments."

1933, Chap. 63, Section 7. In like manner quarterly thereafter until the end of the year, when the total amount of the penalties so added shall form part of the taxes; and penalties for the succeeding year shall be imposed quarterly (on the first days of the months of January, April, July and October) and added to the taxes annually in the manner aforesaid and so on from year to year.

(368) Provided, however, that the council may from time to time by by-law or resolution change, alter or vary (but not in total exceed) said penalties and may in like manner change, alter or vary the dates upon which said penalties may be imposed or added.

(3) On the first day of April, 1918, the penalty of two and one-half per centum above provided for shall be imposed on all taxes (other than the taxes for the year 1917) then in arrear, and thereafter the penalties as above provided for shall be added to all taxes in arrear; and all penalties imposed prior to the first day of January, 1915, and appearing on the rolls of the city are hereby validated, confirmed and declared to have been legally imposed, except only as to errors, if any, in the arithmetical calculation of the same.

369. The taxes due upon any land may be recovered with costs from any owner or tenant originally assessed therefor and from any subsequent owner of the whole or any part thereof, saving his recourse against any other person, and such taxes shall be a special lien upon the land, and shall be collectable by action or distraint in priority to every claim, privilege, lien or encumbrance of every person except the King; and the lien and its priority shall not be lost or impaired by any neglect, omission or error of any officer of the city.

369a. All taxes authorized by any provision of *The Edmonton Charter* or amendments thereto from time to time shall when due be a special lien upon the goods and chattels and personal property of every kind and nature of the person liable to pay the same, except clothing, household furniture and furnishings, books of a professional man, and the tools and necessary implements used by the person liable to pay the tax in the practice of his trade or profession in priority to every claim, privilege, lien or encumbrance of every person except the King.

370. The production of a copy of so much of the roll as relates to the taxes payable by any person in the city, certified as a true copy by the assessor, shall be conclusive evidence of the debt.

371. Any tenant may deduct from his rent any taxes paid by him which, as between him and his landlord, the latter ought to pay.

372. Where any taxes are due upon any land occupied by a tenant, the assessor may give such tenant notice in writing requiring him to pay the assessor the rent of the premises as it becomes due from time to time to the amount of the taxes due and unpaid, including costs; and the assessor shall have the same authority as the landlord of the premises has to collect such rent by distress or otherwise to the amount of the unpaid taxes and costs; but nothing in this section contained shall prevent or impair any other remedy for the recovery of the taxes or any portion thereof from such tenant or from any other person liable therefor.

372A. Whenever it is shown to the council that taxes are or have become due upon land assessed in one block, which has subsequently been subdivided or resubdivided, the council, upon the application by the assessor or by or on behalf of

any person claiming to be the owner of one or more parcels of such land, may after notice of the application to all owners direct the apportionment of such taxes as are or have become due upon the parcels in proportion to their relative value according to the last revised assessment roll, regard being had to all special circumstances, and the council may direct how any part payment not appropriated by the person paying the same is to be applied; and upon the payment of the apportionment assigned to any parcel the same shall be a satisfaction of the taxes thereon, or the council may make such other direction as the case may require. This provision shall apply to taxes imposed both before and after the passing thereof, but shall not apply to any lands which are or have been advertised for sale for arrears of taxes until the same are returned to the assessor under the provisions of section 47 of chapter 28, Statutes of Alberta, 1916.

Distress for
taxes, where
lien on land

373. In case taxes which are a lien upon land remain unpaid in the case of a resident of the city for fourteen days, or in case of non-residents for one month after the posting of the statement and demand provided for by section 366 hereof, the assessor may levy the same with costs by distress either:—

(1) Upon the goods or chattels belonging to or in the possession of the owner or tenant of the land whose name appears upon the roll (and who is hereinafter called "the person taxed"); or

(2) Upon the interest of the person taxed in any goods found on the land, including his interest in any goods to the possession of which he is entitled under a contract for purchase, or under a contract by which he may become the owner thereof upon performance of any condition; or

(3) Upon any goods or chattels of the owner of the land, although the name of such owner does not appear upon the roll; or

(4) Upon any goods and chattels on the land, where the title to such goods and chattels is claimed in any of the ways following:

- (a) By virtue of an execution against the person taxed or against the owner, though his name does not appear on the roll; or
- (b) By purchase, gift, transfer or assignment from the person taxed or from such owner, whether absolute or in trust, or by way of mortgage or otherwise; or
- (c) By the wife, husband, daughter, son, daughter-in-law or son-in-law of the person taxed or of such owner, or by any relative of his in case such relative lives on the land as a member of the family;
- (d) By virtue of any assignment or transfer made for the purpose of defeating distress.

Goods of
taxed person
exigible

374. Where the person taxed or such owner is not in possession, goods and chattels on the land not belonging to the person taxed or such owner shall not be subject to seizure; and the possession by a tenant of such goods and chattels on

the premises shall be sufficient *prima facie* evidence that they belong to him.

375. No distress shall be made upon the goods and chattels ^{Tenants'} of a tenant for any taxes not originally assessed against him ^{goods} as such tenant.

376. In case taxes which are not a lien on land remain unpaid ^{Distress} in the case of a resident of the city for fourteen days, or in ^{where no lien} the case of a non-resident for one month after the postage of the statement and demand provided for by section 366 hereof, the assessor may levy the same with costs by distress, either:—

(1) Upon the goods or chattels of the person taxed wherever found within the city; or

(2) Upon the interest of the person taxed in any goods to the possession of which he is entitled under a contract for purchase, or a contract by which he may or is to become the owner thereof upon the performance of any condition; or

(3) Upon the goods and chattels of the person taxed or of the occupant of the premises in respect of which such taxes are imposed, where the title to the same is claimed in any of the ways following:—

- (a) By virtue of an execution against the person taxed;
- (b) By purchase, gift, transfer or assignment from the person taxed, or from any person claiming by chain of title from or through the person taxed, whether absolute or in trust, or by way of mortgage or otherwise; or
- (c) By the wife, husband, daughter, son, daughter-in-law, or son-in-law of the person taxed, or by any relative of his in case such relative lives with him as a member of his family; or

(d) By virtue of any assignment or transfer made for the purpose of defeating distress.

376a. Where personal property liable to seizure for taxes as provided by *The Edmonton Charter* or any amendments thereto is under seizure or attachment or has been seized by the sheriff or by a bailiff of any Court or by a landlord or his bailiff or is in the possession of any assignee for the benefit of creditors or liquidator or any trustee or authorized trustee in bankruptcy or where such property has been converted into cash and is undistributed, it shall be sufficient for the assessor or other person charged with the collection of any tax or taxes owing to the city to give to the sheriff, bailiff, landlord or landlord's bailiff, assignee or liquidator or trustee or authorized trustee in bankruptcy notice of the amount due for taxes and in such case the sheriff, bailiff, landlord or landlord's bailiff, assignee or liquidator or trustee, or authorized trustee in bankruptcy shall pay the amount of the same to the assessor or other person in preference and in priority to any other and all other fees, charges, liens or claims whatsoever except those of the King. "Tax" or "taxes" shall mean and include ^{Notice to trustee sufficient in case of bankruptcy etc.}

all taxes, assessments, rates, license fees, charges for water, light, power or other public service (including telephone rentals) which the city or its council is authorized to impose or collect under *The Edmonton Charter* as now or hereafter constituted.

Strangers' goods

377. Notwithstanding anything herein contained, no goods in the possession of the person liable to pay such taxes for the purpose only of storing or warehousing the same, or of selling the same upon commission, or as agent, shall be levied upon or sold for such taxes.

Assignee or liquidator

378. Goods in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding up order, shall be liable only for the taxes of the assignor or of the company which is being wound up, and for the taxes charged upon the premises in which the said goods were at the time of the assignment or winding up order, and thereafter while the assignee or liquidator occupies the premises or while the goods remain thereon.

Exemptions

379. Any goods and chattels exempt by law from seizure under execution shall not be liable to seizure by distress unless they are the property of the person taxed or of the owner, though his name does not appear on the roll.

Selection of goods

380. The person who claims such exemption shall select and point out the goods and chattels as to which he claims exemption.

Anticipatory distress

381. If at any time after demand has been made or notice given pursuant to section 366 hereof, and before the expiration of the time for payment of the taxes, the assessor has reason to believe that any person in whose hands goods and chattels are subject to distress is about to move the goods and chattels out of the city, and if he makes affidavit to that effect before any justice of the peace, the justice may issue a warrant to the assessor authorizing him to levy for the taxes, costs and expenses in the manner provided by this Act, although the time for payment thereof may not have expired and the assessor may levy accordingly.

Costs

382. The costs chargeable in respect of any such distress and levy shall be those payable to bailiffs under chapter 34 of *The Consolidated Ordinances, 1898*, intituled "*An Ordinance respecting Distress for Rent and Extra Judicial Seizure*" or any Act passed in amendment or substitution thereof.

Errors

383. No defect, error, or omission in the form or substance of the notice or statement required by section 366 hereof, or in the service, transmission, or receipt thereof, shall invalidate any subsequent proceedings for the recovery of the taxes.

384. The assessor shall by advertisement posted up in Sale at least three public places in the city near to the distrained property give at least seven days' public notice of the time and place of sale, and of the name of the person whose property is to be sold, and at the time named in the notice the assessor shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary.

385. If the property distrained has been sold for more than the amount of taxes and costs, and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, the said surplus shall be returned to the person in whose possession the property was when the distress was made. ^{Return of surplus}

386. If the claim is made by the person for whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant. ^{Claim to surplus}

387. If the claim is contested, the surplus shall be retained by the assessor until the respective rights of the parties have been determined by action or otherwise. ^{Contested claim}

388. On or before the 15th day of February in each and every year each public and each separate school district within the city shall furnish to the council the amount that the trustees thereof deem necessary for the expenditure of such school district for the then current year and such amount shall be paid by the council to the school district having right thereto in four equal instalments on the last day of each of the months of March, June, September and December in such year; provided nevertheless the amount deemed necessary by the trustees of any such district for the expenditure of such school district for the year 1915 shall be furnished to the council on or before the 1st day of May, 1915, and the same shall be paid by the council to the district having right thereto in four equal instalments on the last day of June, August, October and December in such year. ^{Payment of school taxes}

In the event of the council failing to pay such amount to any such school district on the aforementioned due dates a debt for the amount or amounts so unpaid shall thereupon become due and payable by the city to such school district.

388A. Notwithstanding the provisions of *The Tax Recovery Act, 1922*, the council of the City of Edmonton at any time before any land within its boundaries has been finally acquired by it may enter into an agreement with the owner thereof or with any person having any estate or interest therein or any charge thereon for the payment of the arrears of taxes upon such land, upon such terms and conditions as the council shall think just and reasonable. The assessor upon being notified of such agreement shall:— ^{Council may enter into agreements re arrears taxes}

- (a) If no caveat has been filed as in said Act provided, exclude or withdraw such land from the list of lands liable to be dealt with under the provisions of the said Act;
 - (b) If a caveat has been filed, but a certificate of title has not been issued to the City, notify the registrar to stay the issue of such certificate until he is required by the assessor to issue the same.
- (2) All agreements heretofore made by said council for the purpose aforesaid are hereby validated and confirmed.
- (3) If default be made in the performance or observance of any of the terms, conditions or provisions of any such agreement and such default is continued for one calendar month, the assessor shall notify the defaulter to remedy his default within two months. If the default is not remedied the assessor shall notify the said council, who may revise or modify or cancel the existing agreement or enter into another agreement.
- (4) In case the said council shall cancel any agreement the assessor shall:—
- (a) If a caveat has not been filed, place the lands mentioned in the agreement on the next list of lands liable to be dealt with under the provisions of the said Act;
 - (b) If a caveat has been filed but no certificate of title issued to the city, notify the registrar that he requests him to issue a certificate of title to the city at any time after one year from the filing of the caveat.

If the land mentioned in such cancelled agreement has been withdrawn from the list of lands to be offered for sale, such land shall upon cancellation of the agreement become and be land finally acquired by the city within the meaning of the said *Tax Recovery Act*.

**Tax Recovery
Act not to
apply**

388B. Sections 14 to 21, both inclusive, of *The Tax Recovery Act*, 1922, shall not apply to the City of Edmonton, but the council of the said city by resolution or otherwise and on such terms and conditions as it may consider reasonable may sell by auction or private treaty, or lease, or otherwise dispose of in any manner whatsoever or hold or use for any purposes without accounting to the former owner, any lands for which a certificate of title has heretofore been or may hereafter be issued in the name of the said city pursuant to the provisions of the said *Tax Recovery Act* (which said lands are hereinafter referred to in this section as "lands forfeited to the city"):

Provided, however, that the owner of any lands forfeited to the city as aforesaid, or anyone on behalf of such owner, may redeem such lands at any time up to but not after the expiration of three calendar months from the fifteenth day December of the year next following the year in which a caveat has been filed in the Land Titles Office for the North Alberta Land Registration District in respect of such parcel of land, by the payment of all taxes which have at the date of redemp-

tion become arrears of taxes together with all penalties and costs accrued in respect thereof, and by the payment of any and all other claims of the said city or of the Province of Alberta charged or secured upon such lands which have accrued at the date of such redemption.

When any parcel of land is redeemed by the owner thereof or by anyone on his behalf within the time hereinbefore limited the officer of the said city performing the duties prescribed by the said Act shall issue a redemption certificate directed to the Registrar of the said Land Titles Office and the said registrar upon receipt of such redemption certificate shall thereupon revive the certificate of title cancelled pursuant to the provisions of the said *Tax Recovery Act* and as a consequence of the proceedings taken thereunder by the said city, and the certificate of title so revived and the land covered thereby shall be subject to all mortgages, charges and encumbrances which were against the same or the owner thereof at the time of the said cancellation, except any of such mortgages, charges or encumbrances that may have been lawfully discharged by instrument duly registered in the said Land Titles Office.

Before the issue of a redemption certificate covering any land redeemed, a fee of not more than \$2 for each parcel of land so redeemed shall be payable to the said city as well as all fees which may be charged by the said registrar for the revival of the certificate of title in respect of the parcel of land so redeemed.

In case the said city after the fifteenth day of December of the year next following the year in which a caveat has been filed in the said Land Titles Office, shall have taken over possession and control of any parcel of land or shall have received or collected any rents or profits in respect thereof, the amount of the rents and profits so received or collected shall, notwithstanding the subsequent redemption of any such parcel of land, belong exclusively to the said city and the owner of such parcel shall have no claim against the said city in respect of such amount or any part thereof.

Section 32 of the said *Tax Recovery Act*, 1922, to the extent only that the provisions of this section may vary the said Act, shall not apply to the said The City of Edmonton.

This section shall be deemed to have been in force and effect as and from the 12th day of April, 1924.

388C. Where a caveat pursuant to section 7 of *The Tax Recovery Act*, 1922, has heretofore or shall hereafter be filed, the city shall be entitled to protect by action or otherwise any lands mentioned in the said caveat from spoilation or waste until it receives a certificate of title thereto pursuant to said Act, but shall have no right to the possession of such land, except that where any improved property shall become unoccupied during said period and remain unoccupied for three months and is suffering despoilation, the city may enter into possession thereof and from time to time rent the same and expend such moneys as may be reasonably necessary to keep any buildings thereon in tenantable repair, such expenses Protection from waste of land subject to tax caveat.

to be deducted from any rental received or added to the taxes thereon, but the net revenue shall in the event of such land being redeemed be a credit to the owner on account of the moneys required to redeem.

Limitation
action for tax
refund

388D. No action, suit or other proceedings for the return by the city of any moneys paid to the city, whether under protest or otherwise, on account of a claim, whether valid or invalid, made by the city for taxes, shall be commenced after the expiration of six months after the payment of such moneys; and, after the expiration of such period of six months without any such action, suit or other proceedings having been commenced, the payment made to the city shall be deemed to have been a voluntary payment.

Secs. 389 to 403 inclusive REPEALED, 1916, c. 28, s. 33.

PART VIII

LOCAL IMPROVEMENTS

Interpretation

404. The term "local improvements" shall be taken to mean:—

(a) The opening, widening, straightening, extending, grading, levelling, macadamizing, paving or planking of any street or public lane, alley, square or other public place; or

(b) The constructing of any sidewalk, bridge, culvert, or embankment forming part of a highway; or

(c) The curbing, sodding, boulevarding, or planting of any street, or public lane, alley, square, or other public place; or

(d) The making, deepening, enlarging or prolonging of any water main or common sewer; or

(e) The construction of any conduit for wires or pipes along any roadway, street, lane, alley, square, or other public place; or

(f) The construction and erection of any poles, standards, wires and pipes and all other necessary work for the lighting of any roadway, street, lane, alley, square or other public place; or

(g) The laying of any pipes or wires for carrying gas, electric light or telephones along, in, upon, over or under any road, street, lane or other public place; or

(h) The construction or extension of any tramway or street railway along any highway; or

(i) The sweeping, watering or lighting of any street, lane, alley, square or other public place; or

(j) The cutting of grass or weeds or the trimming of trees or shrubbery within any defined area of the city; or

(k) The reconstructing but not the mere repair and maintenance of any of the said works during the originally estimated lifetime thereof; or

(l) The repair and maintenance thereof after the lapse of the originally estimated lifetime thereof;

(m) The establishment of a civic centre in any part of the city in pursuance of the provisions of section 226 hereof;

(n) Constructing a spur track system and extensions thereof;

(o) The surfacing or resurfacing of any pavement or sidewalk already constructed.

(2) The term "special frontage assessment" shall be taken to mean a special assessment of the several lands abutting on the street or place whereon or wherein the improvement is to be made, according to the number of lineal feet measured along the front or other abutting portion of the said several lands against which the total charge is to be provided by special frontage assessment, the rate per foot being a uniform and equal rate computed by dividing the total charge to be provided by special frontage assessment on the said lands by the number of lineal feet of such lands abutting on the street or place whereon or wherein the local improvement is to be made; Special frontage assessment

(a) Provided that where the street or place whereon or wherein the local improvement is made abuts on several parcels of land, some of which appears to call for a smaller or larger proportionate assessment on account of being corner lots or being of different size or shape from the other parcels of land abutting on the local improvement, such exceptional parcels of land may be assessed as having a smaller or larger number of feet abutting thereon than they actually have, so that such parcel of land abutting on the local improvement shall bear a fair, just and equitable proportion of the cost of the improvement; and

(aa) Provided also that the frontage rate may be greater or less upon one side of the street or place whereon or wherein the improvement is to be made than upon the other side, or such rate may be assessed upon the lands on one side of the street or place only;

(b) Provided that in case the said system of special frontage assessment is adopted in respect of a sewer or a system of sewers, and that for the purpose of affording an outlet therefor a sewer is carried along a street or place whereon or wherein it appears that owing to the peculiar position or condition of any lot or parcel or parcels of land fronting or abutting thereon or to the absence of buildings thereon, such sewer would not have been carried along such street or place except as a means of affording an outlet as aforesaid, such lot or lots, parcel or parcels of land shall be exempted from the payment of any special frontage assessment in respect of such sewer either for the whole or a part of the term of the special frontage assessment, or from the payment of the whole or a part of the proportionate cost thereof as shall appear just under the circumstances;

(c) Provided that in the case of sewers, if any land which has not been assessed by way of special frontage assessment for any part of the cost of the sewer is connected therewith, there may be assessed against such land the same amount per foot frontage

as was assessed against the lands actually abutting on the street or place whereon or wherein the sewer was constructed, and the provisions of the next following section shall apply to the assessment so made; and the amount so assessed shall be placed to the credit of the municipal account relating to sewers; but land so assessed shall be exempt from special frontage assessment in respect of any sewer constructed on the street or place whereon or wherein such land abuts, and the other lands specially assessed in respect of such last mentioned sewer shall not be specially assessed any greater sum on account of such exemption.

Special local
benefit
assessment.

3. The term "*special local benefit assessment*" shall be taken to mean a special assessment of each such parcel of land in the vicinity of a local improvement, whether or not such land abuts on the street or place whereon or wherein such local improvement is made, as is increased or is likely to be increased in market value or is otherwise benefited by reason of the local improvement being made, to the amount of such share of the total charge to be provided by special local benefit assessment as bears a fair, just and equitable proportion having regard to all other parcels of land benefited by the local improvement, to such total charge.

Cost.

4. The term "*cost*" in relation to a local improvement shall include not merely the cost of the actual work of making the local improvement, but also any expenses of engineering, surveying, advertising, issuing debentures and other expenses, including damage to land, incidental to the entering on, carrying out and completing of the work and raising the moneys to pay the cost thereof, including discount and interest.

1932. Cap. 71. § 5.

Amount of
assessment and
mode of
collection.

405. The amount assessed against any parcel of land, either by way of special frontage assessment or special local benefit assessment, shall be the total sum representing the proportion properly chargeable against such land of the total amount charged in respect of the local improvement against all the lands affected, and the several amounts so assessed against the several lands, shall, with interest at a rate not exceeding six per cent. per annum, be spread over the term of the probable lifetime of the local improvement, so that the same shall be repayable in consecutive annual instalments in such manner that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period, and each such annual instalment shall be entered upon the tax roll for the year in which the same is payable, and shall be payable in the same manner and collectable by the same methods and shall be subject to the same penalties in case of default of payment as if they formed part of the general municipal taxes; provided that the owner of any land so specially assessed may at any time commute the amount or balance remaining unpaid in respect thereof by paying the amount of the original assessment charged against such land, together with interest and penalties chargeable in respect thereof, less any amounts previously paid on account thereof.

405a. Where the council has heretofore or may hereafter authorize the undertaking of any local improvement, and shall deem it inadvisable or impracticable to complete the work, the council may by resolution provide for the carrying out of part only of the work, and the provisions of this Act and amendments thereto shall apply to such partial work as if it had been the work originally undertaken.

406. The council may pass by-laws—

(a) For providing the means of ascertaining and finally determining what portion of the cost of a local improvement shall be raised by special frontage assessment or by special local benefit assessment, and what portion if any shall be borne by the municipality at large, and in the case of special frontage assessment what lands shall be assessed in an exceptional mode as hereinbefore provided and the mode to be adopted, and in the case of special local benefit assessment in what proportions the assessment is to be borne by the several lands affected, and of assessing the cost or a portion of the cost as the case may be, either by way of special frontage assessment or by way of special local benefit assessment; and it is hereby declared that a by-law or by-laws of general application for the said purpose shall be sufficient, and it shall not be necessary to pass a special by-law in each particular instance.

(b) For the borrowing by the issue of debentures upon the credit of the municipality at large the moneys required to meet the whole or any part of the cost of any local improvement, provided (1) that by-laws for the purpose of raising moneys in respect of a local improvement may be passed comprising either the whole or a part of the amount of the entire cost thereof, although a portion thereof is to be borne by the municipality at large and a portion is to be payable by special assessment, or comprising the whole or a part of any portion of that part of the cost which is to be borne by the municipality at large or of that part of the cost which is payable by special assessment; (2) that it shall not be necessary to obtain the assent of the burgesses to the passing of any by-law for raising such portion of the cost of a local improvement as is to be levied by special assessment nor of any by-law for raising such portion of the cost as is to be borne by the municipality at large of an extension of a municipal system of sewerage originally constructed as a local improvement or of any other local improvement, unless in the case of such other local improvement the share of the cost to be borne by the municipality at large shall be greater than can be properly paid out of the current revenue of the city for the current year; and (3) that nothing herein contained shall be construed as authorizing an extension of the general debt of the city beyond the limits thereof by this Act.

(c) For borrowing by way of temporary loans within the restriction aforesaid on the credit of the municipality at large the whole or any part of the cost of a local improvement, provided that section 227 shall not apply to such temporary loans. And it is hereby declared that loans made for the purpose

of local improvements, to the extent to which the sums are secured by special assessment therefor, shall form no part of the general debt of the city within the meaning of this Act, and it shall not be necessary to recite the amount of the local improvement debt so secured by special assessment in any by-law for borrowing money, but it shall be sufficient to state in any such by-law for borrowing money that the amount of the general debt of the city as therein set forth, is exclusive of local improvement debts secured by special assessments.

Unit rate
system

(d) For determining and assessing the share to be borne by the properties abutting on or benefited by any or all local improvements at a uniform frontage rate or rates varying according to the class or character of the improvement, with power to make any adjustment thereof in respect of properties of peculiar shape or size or of different depth.

4060. 1922 April 5th

Petition by
owners or
notice by
council

407. No local improvement to be paid for in whole or in part by special frontage assessment or special local benefit assessment shall be undertaken except pursuant to petition or notice as hereinafter provided.

1. (a) Upon receipt of a petition praying for any local improvement signed by at least two-thirds in number of the persons registered or assessed as owners of land abutting on the street or place whereon or wherein the improvement is made or of lands to be benefited by the local improvement as the case may be, and representing at least one-half in value of such lands excluding improvements thereon as the same are valued upon the last revised assessment roll, the council may take all proper and necessary proceedings for undertaking and completing the local improvement on the special frontage assessment system or special local benefit assessment system, as the case may be, and after the council shall have finally determined to undertake the improvement no name shall be removed from such petition. |

(b) The request of the petition may be acceded to by the council of the current or the next succeeding year either in respect of the whole or of a part; provided that part only of the local improvement asked for shall not be made unless the petition is sufficiently signed having regard only to the lands abutting on or benefited by, as the case may be, the part of the local improvement which is to be made.

2. (a) Any local improvement may also be undertaken and the assessment of the cost thereof may be made on either of the systems aforesaid by the council after resolution to that effect by advertisement to be inserted once in each week for two weeks in at least one newspaper published in the city, unless sixty per cent. of the owners of the lands to be affected, representing at least one-half in value thereof as aforesaid, petition the council against the proposed improvement within two weeks after the last publication of notice of the intention of the council to undertake the local improvement.

of local improvements, to the extent to which the sums are secured by special assessment therefor, shall form no part of the general debt of the city within the meaning of this Act, and it shall not be necessary to recite the amount of the local improvement debt so secured by special assessment in any by-law for borrowing money, but it shall be sufficient to state in any such by-law for borrowing money that the amount of the general debt of the city as therein set forth, is exclusive of local improvement debts secured by special assessments.

Unit rate
system

(d) For determining and assessing the share to be borne by the properties abutting on or benefited by any or all local improvements at a uniform frontage rate or rates varying according to the class or character of the improvement, with power to make any adjustment thereof in respect of properties of peculiar shape or size or of different depth.

Petition by
owners or
notice by
council

(406a) The Council may from time to time in any year make an estimate or estimates of the amount required to pay the city's share of the cost of local improvements intended to be undertaken during such year or during the next succeeding year, and may by by-law or by-laws authorize the issue and sale of debentures to provide in whole or in part the amount so estimated; provided, however, that the Council in any year may, without the approval of the burgesses, authorize the issue and sale of debentures as aforesaid to a principal amount not exceeding \$50,000.00. 1932 Chap. 71, Section 26. determined to undertake the improvement no name shall be removed from such petition. |

(b) The request of the petition may be acceded to by the council of the current or the next succeeding year either in respect of the whole or of a part; provided that part only of the local improvement asked for shall not be made unless the petition is sufficiently signed having regard only to the lands abutting on or benefited by, as the case may be, the part of the local improvement which is to be made.

2. (a) Any local improvement may also be undertaken and the assessment of the cost thereof may be made on either of the systems aforesaid by the council after resolution to that effect by advertisement to be inserted once in each week for two weeks in at least one newspaper published in the city, unless sixty per cent. of the owners of the lands to be affected, representing at least one-half in value thereof as aforesaid, petition the council against the proposed improvement within two weeks after the last publication of notice of the intention of the council to undertake the local improvement.

(b) In the event of any sufficiently signed petition as aforesaid against the proposed local improvement being presented to the council, no second notice for the same shall be given by the council within the then current calendar year.

(c) When a notice of a proposed local improvement to be paid for by special assessment as a local improvement has been given by the council, and no petition sufficiently signed as aforesaid has within the time limited in that behalf been presented to the council against such local improvement or assessment, it shall be lawful for the council of the same or the next succeeding year to undertake the proposed local improvement.

408. Any local improvement may in the discretion of the council be undertaken and the necessary by-laws passed and debentures issued thereunder either before or after the cost thereof shall have been ascertained and finally determined as aforesaid, unless the petition or notice in respect thereof specially provides that the cost shall be first ascertained. Time for making improvements

409. If in any case the first assessment for any local improvement proves insufficient or invalid, an additional or new assessment or assessments may be made until sufficient moneys have been realized to pay therefor; and if too large a sum has at any time been raised, the excess shall be refunded rateably to those by whom it was paid. Insufficient or invalid assessment

410. Notice of every proposed special assessment shall be given by the assessor to each person registered or assessed on the last revised assessment roll as owner of any parcel of land to be charged thereby, either personally or by letter addressed to the last post office address of the owner; and the notice shall set forth: Notice of assessment

- (a) A description in general terms of the local improvement;
- (b) The probable lifetime of the local improvement as being the period over which the cost will be spread;
- (c) The probable or actual cost of the local improvement;
- (d) The portion if any of the cost to be borne by the municipality at large;
- (e) The portion of the cost to be provided by special assessment, and the system of special assessment under which the special assessment is proposed to be made;
- (f) The time fixed for the sitting of the commissioners for the hearing of appeals in respect of the special assessment; such sitting not to be earlier than fifteen days from the date of the delivery or mailing of the notices:

Provided that in all cases of any special assessment, where the rate shall be an annual rate of a specified amount according to the frontage of the property abutting upon the street, lane or place or portion thereof whereon or wherein the work or improvement is done or made or proposed to be done or made it shall not be necessary to send out the notice above mentioned;

but the assessor shall publish by three advertisements in each of two newspapers published in the city a notice stating the place where and the day upon which the court of revision regarding such special assessment will be held, notifying all persons concerned to attend for the purpose of inspecting the rolls and entering complaints. The first advertisement of such notice shall be at least ten days prior to the sitting of said court. It shall not be necessary to give any other notice to the individual owners to be affected or benefited by such work or improvement, and all owners of the property affected or benefited by such work or improvement shall be deemed to have received the notice above mentioned.

Evidence of
notice

411. A memorandum in any proper book or roll kept for that purpose of the service or mailing of such notices and of the date thereof shall be *prima facie* evidence of the service or mailing of such notice in accordance with the last preceding section on the date mentioned in the memorandum.

Local im-
provement
assessments
to be valid
unless
appealed
against

412. No assessment under the provisions of this part of this Act shall be invalid or be set aside by reason of any defect in form or in substance in any proceeding upon which such special assessment depends or by reason of any defect, error or omission therein or any defect, error or omission of any proceeding or thing which ought to have been undertaken or done down to and including the close of proceedings of the Court of Revision unless such assessment is appealed against as provided in the next following section.

Appeal

413. There shall be a right of appeal against every assessment made under the authority of this part of this Act to the commissioners, and from them to the council in the same manner and by the same procedure as nearly as may be as in the case of an appeal from an ordinary assessment.

Decision of
council

414. The decision of the council on any such appeal shall be final and conclusive upon all matters respecting the assessment and special rate, and the council shall have power, in the event of the assessment of any party being decreased or increased on appeal, to raise or lower proportionately the assessment of the other parties assessed without any further notice.

Power to
borrow money

415. The moneys required to pay the cost of local improvements may be borrowed under the authority of one or more by-laws; and the portion payable by way of special assessment and the portion to be borne by the municipality at large may be provided for in one or more separate by-laws; and every by-law providing for the raising of that portion of the cost which is payable by way of special assessment or of any part thereof shall state by recital or otherwise:

1. The amount of the debt which such by-law is intended to create, and the object in general terms for which it is to be created;

2. The total amount required to be raised annually for paying the debt and interest under the by-law, and whether the whole or if not what portion thereof is payable by way of special assessment, and the system of special assessment applicable.

3. The total value of the land charged with the special assessment, and if any portion of the debt created by such by-law is to be borne by the municipality at large the value of the whole rateable property of the city according to the last revised assessment roll;

4. That the debt is contracted on the credit and security of the municipality at large.

415A. If any year the amount realized from the special rate imposed to provide the portion of the cost of any local improvement work which is payable by way of special assessment is insufficient to pay the amount falling due in such year in respect to so much of the debentures as represents the portion of cost payable by way of special assessment, the council shall provide for the deficiency in the estimates for the following year, and levy and collect the same by a general rate, but this shall not relieve the land specially assessed from the special rate thereon.

Deficiency in local improvement debt may be collected by general rate

416. Notwithstanding the provisions of this part of this Act, the council may by by-law direct that the cost of the cutting of grass or weeds or the trimming of trees or shrubbery within any defined area of the city during any year, shall be borne by the lands abutting upon the streets, lanes or alleys whereon the said works or any of them are done.

Cost of cutting grass, etc., may be charged against abutting land

(2) Upon the completion of any such work the cost thereof shall be certified by the official in charge thereof to the assessor, who shall apportion the cost as if a special frontage assessment and report the same to the council, who may direct that the whole or any part of such costs shall be assessed against the lands set out in the assessor's return and the proper share of the cost or such portion thereof as the council shall direct shall thereupon be placed upon the tax roll for the then current or next succeeding year as special taxes against each parcel of said lands.

416a. In case there has been or shall hereafter be a change of plan of subdivision, or a division of the ownership of any parcel or parcels of land upon or in respect of which a special rate for local improvement has been or shall hereafter be levied or assessed, the assessor, both in respect to arrears and also to the special rate for future years may apportion to and against each respective part of the original parcel or parcels of land such proportion or share of the sum originally assessed against the same as he shall deem just, and the sum or sums so reapportioned shall be levied and collected as if they had in the original by-law been assessed against the parcels according to the resubdivision or division of ownership.

Upon subdivision assessor may apportion local improvement taxes

Council may
borrow \$50,000
annually

~~416b.~~ The council in any year may fix an amount, not exceeding fifty thousand dollars, which it intends to spend during the year as the City's share in whole or in part of local improvements intended to be undertaken during the year, and may by by-law, which need not be referred to the burgesses, authorize the issue and sale of debentures for providing the amount so fixed.

Rep. 1932 April, S.25

PART IX.

MUNICIPAL UTILITIES

TRAMWAYS

Power to
construct
tramways

417. The city shall have power—

1. To lay out, construct and operate a municipal street railway system and as a part thereof, a single or double track tramway, radial railway or street railway, with all necessary switches, side tracks and turnouts, for the passage of cars, carriages and other vehicles upon and along any roads, road allowances, streets, highways or lands within the city acquired or permitted to be used for the purpose and also from a point or points within the boundaries of the city.

(a) To a point or points within the Village of Stony Plain, and thence westerly to a point or points at or near White Whale Lake, and thence to a point or points at or near Lac Ste. Anne;

(b) To a point or points within the Town of St. Albert, and thence to a point within the Village of Morinville in a northerly direction and in a north-westerly direction to a point at or near Edson;

(c) To a point or points at or near Namao;

(d) To a point or points within the Village of Athabasca Landing;

(e) To a point or points within the Town of Fort Saskatchewan, and thence to Pakan and Saddle Lake;

(f) To a point or points within the Town of Lacombe and thence to Gull Lake;

(g) To a point or points within the Town of Daysland;

(h) To any point in the Province of Alberta not more than eighty miles from the said boundary; and subject to *The Railway Act of Alberta*;

2. To carry passengers and freight on such tramways by the power of electricity, or by such other motive power except steam as the council may from time to time deem expedient;

3. To levy and collect tolls from all persons and freight passing or travelling over the same;

4. To establish works (in addition to the ordinary municipal works) to supply electricity or other motive power or for the sale of the same within or without the limits of the city;

5. To construct, erect and maintain all necessary buildings, machinery, appliances and convenience for the purposes of such tramways and works, including the erection of poles upon any and all roads, road allowances, streets, highways and lands upon which the council deems it expedient to construct its tramways for the carrying on of its business;

6. To construct and operate bridges or ferries across the North Saskatchewan River and other rivers and streams for the purposes of said tramways;

7. With the consent of the Minister of Public Works of the Dominion of Canada or of the Province of Alberta or of the municipal council of any municipality or by agreement with any company or corporation, to construct and operate such tramways over and along any bridge which is now or shall hereafter be erected across the said North Saskatchewan River or any other river or stream, and which may be under the management or control of such ministers, municipal council, company or corporation respectively; and

8. To acquire, lease, open, improve, equip and operate coal mines and stone quarries for the purposes of the city:

Provided that after the lapse of five years from the date of the passing of this Act all powers granted as to the construction of lines without the limits of the city by this section shall absolutely cease outside the limits of the city unless at least fifteen miles of line shall have then been constructed; and

Provided further that after the lapse of seven years from the date of the passing of this Act the powers granted by this section shall absolutely cease with regard to all tramway lines without the limits of the city (not being necessary switches, sidetracks or turn-outs) not then actually constructed.

417a. The city shall also have power to operate in connection with and as part of its municipal street railway system, or as a separate undertaking, a system of transportation by means of motor or other vehicles upon and along the roads, streets, and highways within the city, and for the purposes of this Act the term "street railway," "tramway" or "tramway works" shall be deemed to include such system.

Power to operate motor vehicles as part tramway system

418. No tramway of the city or works in connection therewith shall be constructed or operated along or upon any street or highway in a municipality now existing or which may hereafter be established (save within the boundaries of the City of Edmonton as now existing or hereafter extended) unless first authorized by an agreement in respect thereof made between the said city and the municipal council of such municipality, nor in the case of roads, trails, road allowances, streets, highways, bridges, or ferries, not within a municipality, unless first authorized by the Minister of Public Works or other authority having control of the same.

Construction outside limits of city

City
may make
agreements
with other
tramway
companies

419. The city may enter into agreements with any person or company having right and authority to construct and operate street railways or tramways within eighty miles of the City of Edmonton, for conveying or leasing to such person or company the whole or any part of the tramways of the city constructed under this or any former Act or forming part of its municipal system, or any rights or powers acquired under this or any former Act; as also the surveys, plans, works, plants, materials, machinery and other property to it belonging, acquired under this or any former Act, or for an amalgamation with such company, or for leasing, hiring or purchasing the plant, rolling stock or other property of such person or company, or for running arrangements by such person or company, over the lines of the city.

Agreement to
be sanctioned
by burgesses
and approved
by Lieutenant-
Governor in
Council

420. Such agreements may be on such terms as may be agreed upon by and between the contracting parties:

Provided that any such agreement must first be sanctioned by a vote of the burgesses of the city in the same manner as if it were a referred by-law, and further that such agreement has received the approval of the Lieutenant Governor in Council.

City cars and
vehicles to
have use of
tracks

421. The cars or other vehicles of the city shall have the right to use the tracks of the city as against all other vehicles whatever; and all other vehicles using the said tracks shall turn out of the said tracks and permit the cars and vehicles of the city to pass, and shall in no case and under no pretence whatever obstruct or hinder the passage on or along and the free use of the said tracks for the cars and vehicles of the city.

Fares, when
due

422. The fare shall be due and payable by every passenger on entering the car; and any person who refuses to pay the fare when demanded by the conductor or collector, and refuses to leave the car when requested to do so by said conductor, or collector, shall on summary conviction thereof before any justice of the peace be liable to a fine of not less than two dollars nor more than ten dollars.

Council may
fix uniform
fares

422A. Notwithstanding anything to the contrary whatsoever the city is hereby declared to have and it shall have the power and authority to charge such tolls and fares on any of its tramway lines as shall from time to time be fixed by the council, provided the passenger fares are uniform throughout the whole city.

Issue of
debentures,
etc., as to
tramway lines
outside the
city

423. The council may in the manner authorized by this Act issue bonds, debentures or other securities in connection with the tramway works hereby authorized to be constructed outside the city, and such bonds, debentures and other securities may be made payable at such times, in such manner and in such place or places in Canada or elsewhere and bear such rate of interest, not exceeding six per centum per annum, as the council may deem expedient; but the total amount of such bonds, debentures and other securities shall not exceed \$10,000 for each mile of tramway without the city.

(2) Any bonds, debentures or other securities which have been issued prior to the passing of this Act and which may exceed the limit specified in section 423 in its original form prior to this repeal shall not thereby be invalidated.

424. No such bond, debenture or other security shall be for a less sum than one hundred dollars. Not to be under \$100

425. The power of issuing bonds, debentures and other securities shall not be construed as being exhausted by such issue; but such power may be exercised from time to time upon the bonds, debentures or other securities constituting such issue being withdrawn or paid off and duly cancelled. When issue may be made

426. The council may secure such bonds, debentures or other securities by a mortgage deed, creating such bonds, debentures or other securities, charges or encumbrances upon the whole of such present or future or both present and future property, assets, rents and revenues, owned or accruing to the city by or through its tramway system whether acquired under this Act or otherwise howsoever, as are described in said deed. May be secured by mortgage on tramway franchise, etc.

427. By the said deed the council may grant to the holders of such bonds, debentures, or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures, or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided. Rights conferred on bond holders

428. Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the council in The Alberta Gazette. Mortgages to be registered with Provincial Secretary

429. The bonds, debentures or other securities hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the franchise, undertaking, tolls and income, rents and revenues, and real and personal property at any time acquired by the city in connection with its tramway or tramways acquired under this or any former Act or otherwise howsoever. Bonds and debentures to be a preferential lien on franchise, etc.

430. Each holder of the bonds, debentures or other securities shall be deemed to be a mortgagee or encumbrancee upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed. Bond holders to be mortgagees pro rata

Other
registration
unnecessary
to secure
lien

431. It shall not be necessary in order to preserve the priority, lien, charge, mortgage or privilege, purporting to appertain to or to be created by any bond, debenture or other security issued or mortgage deed executed under authority of this Act, that such bond or deed be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid.

Borrowing
powers not
to interfere
with general
borrowing
powers of city

432. The borrowing powers hereby conferred upon the city respecting its tramway system or systems are not to be accounted as diminishing or interfering with any other borrowing powers of the city conferred by this or any other Act or Ordinance, nor are they to be taken as restricting the power of the city to borrow and issue debentures on the credit of the municipality at large within the limits provided by law, nor shall loans so obtained form part of the general debt of the city within the meaning of this or any other Act.

WATERWORKS AND SEWERS

City may
construct
waterworks
and sewers

433. The corporation shall have power to construct, build, purchase, improve, extend, hold, maintain, manage and conduct waterworks and all buildings, materials, machinery and appurtenances thereto belonging in the city and in the neighbourhood thereof as hereinafter provided, and either in connection with waterworks or not a system of storm sewers or sanitary sewers or both.

General
powers

434. The corporation shall have power to employ such engineers, surveyors and other persons, and to rent with such conditions, covenants and stipulations as the corporation shall deem requisite or necessary, or to purchase at the option of the corporation such lands and buildings, waters and privileges as in their opinion may during the construction or at any future time be necessary or expedient to enable them properly to carry out the purposes of this part of this Act.

Power to
enter upon
and acquire
land

435. The corporation, their engineers, servants and workmen from time to time and at such times as the corporation shall see fit may enter into and upon, take or use the land of any person, body politic or corporate in the city or within twenty-five miles thereof, and may survey, set out and ascertain such parts thereof as are required for the purposes of the said waterworks or sewers, and may contract with the owner or occupier of such lands and any person having a right or interest in any water for the purchase or renting thereof or any part thereof, or of any privilege that may be required for the purpose of the said waterworks or sewers at the option of the corporation.

Construction
of necessary
works

436. The corporation may construct, erect and maintain in and upon any lands acquired under the provisions of this Act all reservoirs, waterworks and machinery requisite for the undertaking and for conveying the water thereto and therefrom in, upon and through any lands lying intermediate between

said reservoirs and waterworks and the rivers, ponds and springs, streams or waters from which the same are procured and the city by one or more lines of pipes as may from time to time be found necessary or expedient.

437. The corporation and their servants under their authority may for the said purposes enter and pass upon and over the said lands intermediate as aforesaid, and they may cut and dig up if necessary and may lay down the said pipes through the same and in, upon, through, over, and under the highways, streets, lanes, roads or other passages intermediate as aforesaid, and may for the purpose of such waterworks enter and pass upon and over such lands as the corporation may deem expedient, and they may cut and dig up if necessary and may lay sewers through the same and in, through over and under highways, streets, lanes, roads and other passages.

(2) All lands not being the property of the corporation and all highways, roads, streets, lanes or other passages so dug up or interfered with shall be restored to their original condition without unnecessary delay.

(3) The corporation may enter upon, set out, ascertain, purchase, use and occupy such parts of the said lands as the corporation may think necessary and proper for the making and maintaining of the said works or for the opening of new streets required for the same, and also such lands as may be required for the protection of any of said works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing any of the said works, and for distributing water to the inhabitants of the community, or for the uses of the corporation, or for the proprietors or occupiers of the land through or near which the same may pass.

438. For the purpose of distributing water or for the purpose of sewerage as aforesaid the corporation may sink and lay down pipes, tanks, reservoirs and other conveniences, and from time to time alter all or any of the said works, whether during or after construction, as they may deem advisable.

439. All such works, pipes, erections and machinery requisite for the undertaking shall be vested in and be the property of the city.

440. Service pipes or sewers which may be required shall be constructed and laid down by the corporation up to the outer line of the streets, and the corporation shall be solely responsible for keeping the same in repair.

(2) In cases where vacant spaces intervene between the outer line of the street and the wall of the building or other place into which the water is to be taken or with which the sewer is to be connected, the corporation may with the consent of the owner lay the service pipes across such vacant space and charge the cost thereof to the owner of the premises, or the owner himself may lay service pipes or sewers provided the same is done to the satisfaction of the corporation or person appointed by them in that behalf.

(3) The expense incidental to the laying and repairing as herein provided of the service pipes or sewers, if laid or repaired by the corporation (except the repairing of the service pipes or sewers from the main pipe to the outer limit of the street as aforesaid, which shall be borne solely by the corporation) or of superintending the laying or repairing of the same, if laid or repaired by any other person, shall be payable by the owner on demand to the corporation, or if not paid may be collected forthwith in the same manner as water rates, provided that in no case shall the expense of superintending the laying or repairing of such service pipe or sewers, if laid or repaired by any other person as aforesaid, exceed \$2.

Service pipes
to be under
control of city

441. The service pipes or sewers from the line of street to the interior face of of the outer walls of the building supplied, together with all branches, couplings, stopcocks, and apparatus placed therein by the corporation, shall be under their control; and if any damage is done to this portion of the service pipe or sewer or its fittings either by neglect or otherwise, the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the corporation; and in default of his so doing whether notified or not, the corporation may enter upon the lands where the service pipes or sewers are, and by their officers, agents, or servants repair the same, and charge the same to the owner of the premises as hereinbefore provided.

(2) The stopcock placed by the corporation inside the wall of the building shall not be used by the water tenant except in cases of accident, or for the protection of the building or the pipes, and to prevent the flooding of the premises.

(3) Parties supplied with water by the corporation may be required to place only such taps for drawing and shutting off the water as are approved of by the corporation.

Inspection of
premises

442. Any person authorized by the corporation or commissioners for that purpose shall have free access at proper hours of the day, and upon reasonable notice given and request made, or in case of the written authority of a commissioner given in respect of the special case without notice, to all parts of every building or other premises in which water is delivered and consumed or which is served by a sewer, for the purpose of inspecting or repairing as aforesaid, or for placing meters upon any service pipe or connection within or without any house or building as they deem expedient, and for this purpose, or for the purpose of protecting or regulating the use of such meter, may set or alter the position of the same, or of any pipe, connection or tap; and may fix the price to be paid for the use of the meter, and the times when and the manner in which the same shall be payable, and may also charge for and recover the expenses of such alterations; and such price and expense of such alterations may be collected in the same manner as water rates.

443. The corporation or commissioners shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time may fix the prices for the use thereof and the time of payments; and they may erect such number of public hydrants and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion, and may fix the rate or rent to be paid for the use of water by hydrants or fire plugs and public buildings.

Regulation
of use of
water and
charging of
rates

(2) The sum payable by the owner or occupant of any house, tenement, lot or part of a lot for the water supplied to him there or for the use thereof, and all rates, costs, and charges authorized by this Act to be collected in the same manner as water rates, shall be a preferential lien and charge on such house, tenement, lot or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are recoverable.

444. The corporation or commissioners may from time to time make and enforce by-laws, rules and regulations for the general maintenance, management or conduct of the water-works, and for the collection of the water rates, and for fixing the time and times when and the places where such rates may be payable; and they may allow a discount for prepayment of such rates and may impose penalties in respect of failure in the punctual payment thereof as in the case of the general municipal taxes; and in case of default in payment they may enforce payment thereof by shutting off the water, or by action in any court of competent jurisdiction, or by distress and sale of the goods and chattels of the owner or occupant as in the case of other rates and taxes in accordance with the provisions of part VII of this Act, and with the same priorities.

Power to
make and
enforce by-laws
for maintain-
ance and
management of
works and
collection of
rates

445. For the purpose of collection of such rates, and also for the purpose of collection of the rates authorized under section 457 of this Act, the corporation or commissioners may employ or appoint such collectors and others and may specify their duties in such manner as may from time to time "be determined."

Collectors
of rates

1932 Chap. 11 S6

446. The corporation shall not be liable for damages caused by the breaking of any service pipe, or attachment, or for shutting off any water to repair mains; provided that reasonable notice of the intention to shut off the water shall be given whenever the same is intended to be shut off for more than six hours at any one time.

Non-liability
for breakage
or stoppage

447. The corporation shall have power and authority to supply with water upon special terms any person or corporation outside the municipality, and may exercise all other powers necessary to the carrying out of the agreement with such person or corporation as well within as without the municipality; and they may also from time to time make and carry out any agreement which they may deem expedient for the supply

Power to
supply water
outside the
city

of water to any railway company or manufactory; provided that where such water is to be supplied in another municipality which itself possesses waterworks, no pipes for this purpose shall be carried in, upon, through, over or under any highway or public street, lane, road, or passage within such water municipality without the consent of the council of such municipality; in such case the agreement may be for a term of years or otherwise as may be agreed upon.

Power to make by-laws prohibiting wrongful use of water and regulating supply

448. The council may make such by-laws as they may think proper for prohibiting by fine, not exceeding \$20 and costs, any person being tenant, occupant or inmate of any house, building or other place supplied with water from the waterworks, from lending, selling or disposing of the water thereof, giving it away or permitting it to be taken or carried away, or using or applying it to the use or benefit of others or to any other than his own use and benefit, or from increasing the supply of water agreed for with the corporation, or wrongfully neglecting or improperly wasting the supply.

(2) They may also make by-laws regulating the time, manner, extent and nature of the supply from the works to the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing relating to or connected therewith, which it may be necessary or proper to direct, regulate or determine, in order to secure the inhabitants of the municipality a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the corporation with regard to the water so supplied.

(3) The amount of the fine, the duration of the imprisonment, and also the option between fine and imprisonment, shall be in the discretion of the justice of the peace before whom any proceedings may be taken for the enforcement of such by-law.

Petition for construction of waterworks

449. In case a petition signed by two-thirds of the resident ratepayers of the city qualified to vote on by-laws requiring the assent of the burgesses is presented to the council asking for the construction of waterworks under the powers conferred by this Act:

(1) It shall be the duty of the council to submit a by-law for the construction of such waterworks to the vote of the burgesses, and the council shall forthwith prepare a by-law directing the submission of the question in accordance with the prayer of the petitioners, or in such form as may be approved by the vote of two-thirds of the members of the council, and shall submit the same to the vote of the burgesses within six weeks after the receipt of the petition by the council.

(2) The powers of the council shall not be deemed to be abridged by this Act except as expressly stated herein.

(3) The proceedings in taking the vote and the persons having the right to vote shall be the same as nearly as may be as are required by this Act in case of by-laws creating debts.

450. If the by-law be approved of by two-thirds of the duly qualified burgesses voting thereon, it shall be the duty of the council to pass the by-law, and forthwith to proceed with the construction of the works, provided always that the council may for any good cause, if deemed expedient, by a vote of two-thirds of its members, hold the works in abeyance until after the next general municipal election.

If by-law approved council to construct works

LIGHTING, HEATING AND POWER WORKS

451. The city shall have power to manufacture and supply, or purchase and supply, or manufacture and sell for the purpose of supplying for the use of the corporation and of all persons, gas, including natural gas, for heating, cooking and all other purposes for which gas can be used, and to manufacture and supply, or purchase and supply, or manufacture and sell for the purpose of supplying electric, galvanic or any other artificial light or heat or power, either in connection with gas or otherwise; and for these purposes shall have power to construct, purchase, improve, extend, hold, maintain, manage and conduct any works which it may deem requisite; and further, shall have the power to acquire any patent or other rights for the manufacture, production or supply of any artificial light or heat or power, and also to supply, sell, lease or otherwise deal in all fittings, machines, apparatus, meters or other things for any of the purposes aforesaid.

City may construct gas, electric light and power works, manufacture, purchase or distribute such commodities

(2) The corporation may sell or dispose of coke, tar and every product, refuse or residue obtained in or from their said works, and any surplus coal, which they may have on hand.

(3) The corporation shall have power to rent or purchase such lands and buildings as they deem necessary or advantageous for the purposes aforesaid.

(4) Every contract or agreement entered into for the purchase of any of the above commodities shall, if the term during which the city is to purchase be a longer period than five years, be deemed a special franchise and shall be submitted to and assented to by the burgesses as such; but if the period does not exceed five years it may be entered into by a vote of a majority of the whole council without being submitted to or receiving the assent of the burgesses.

452. The corporation or their servants under their authority may, for the purpose of laying down, taking up, examining or keeping in repair the pipes or wires used for conducting the gas, electricity or other means of producing light or heat or power, break up, dig and trench in, upon, through, over and under the highways, streets, lanes, roads, squares and other public passages and places in the city, or with the consent of the owner in, upon, through, over or under any private property; or may erect upon poles or otherwise such wires and rods as may be necessary for the conduct of such light, heat or power over, along and across such streets, lanes, roads, squares and other public passages and places, or with the consent of the owner over, along and across private property.

Power to break up streets

Power to
carry pipes
and wires
through parts
of buildings

453. Where there are buildings within the city different parts whereof belong to different proprietors or are in possession of different tenants or lessees, the corporation may carry such pipes, wires or rods to any part of any building, so situate passing over the property of one or more proprietors or in the possession of one or more tenants, to convey the gas, electricity or other means of providing light or heat or power to the property of another or in the possession of another.

(2) Such pipes, wires or rods shall be carried up and attached to the outside of the building unless consent is obtained to carry the same inside.

Power to
break up
passages

454. The corporation may also break up and uplift all passages common to neighbouring proprietors or tenants, and dig or cut trenches therein, for the purpose of laying down pipes or wires, or taking up or repairing or examining the same, doing as little damage as may be in the execution of the powers hereby conferred, and restoring such passages to their original condition without unnecessary delay.

Public health
and safety
not to be
endangered

455. The corporation shall construct their gas, electric light, heat, power or other works, and all apparatus and appurtenances thereto belonging, or appertaining or therewith connected and wheresoever situated, so as not to endanger the public health or safety.

City to supply
buildings on
request

456. Where the corporation has constructed any works for supplying the city with light, heat or power as hereinbefore provided, and where there is a sufficient supply thereof, it shall be the duty of the corporation to supply all buildings within the city situate upon land lying along the line of supply, upon request of the owner, occupants or other person in charge of any such building, at the customary charges and on the customary terms.

Power to make
by-laws for
maintenance
and manage-
ment of
works and
collection of
rates

457. The council may from time to time make and enforce all necessary by-laws, rules and regulations for the general maintenance and management of all the works constructed or maintained under this or any former Act or Ordinance, and for fixing the rates and charges for supplying gas or electricity or other means of providing light or heat or power as aforesaid, and the rent of fittings, machines, apparatus, meters or other things leased to consumers; and for the collection of such rates, charges and rents, and determining the times and places when and where the same shall be payable, and they may allow for prepayment or punctual payment such discounts as they may deem expedient, and may impose penalties for failure in punctual payment as in the case of the general municipal taxes.

Power to
enforce
payment of
rates

458. The corporation may enforce payment of such rates, charges, or rents by cutting off the light or power supplied under any of the preceding provisions, or by action in any court of competent jurisdiction, or by distress and sale of the goods

Power to
carry pipes
and wires
through parts
of buildings

453. Where there are buildings within the city different parts whereof belong to different proprietors or are in possession of different tenants or lessees, the corporation may carry such pipes, wires or rods to any part of any building, so situate passing over the property of one or more proprietors or in the possession of one or more tenants, to convey the gas, electricity or other means of providing light or heat or power to the property of another or in the possession of another.

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Power to
enforce
payment of
rates

"or of any overdue and unpaid accounts, owing to the Telephone Department of the City or of any overdue and unpaid tolls or charges owing to the controlling authority of any telephone system connected with the Municipal Telephone system of the City".

and chattels of the person owing such rates, charges or rents ^{or such accounts tolls or charges} as in the case of other rates and taxes in accordance with the provisions of part VII of this Act, and with the same priorities. 1938 Sep. 63 623

459. Where any consumer discontinues the use of gas or electric or other light or heat or power furnished by the corporation, or the corporation lawfully refuses to continue any longer to supply the same, the officers and servants of the corporation may at all reasonable times enter the premises in or upon which such consumer was supplied with such gas or electric or other light or heat or power, for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the corporation in or upon such premises, and may remove the same therefrom doing no unnecessary damage. Power to remove apparatus

460. The corporation may under a by-law of any adjoining municipality exercise the like powers within such adjoining municipality as they may under this part of this Act exercise within the city, upon such terms as may be agreed upon; and the corporation of the adjoining municipality may either require to be paid a sum in gross or annually for such privilege, or may pay a sum in gross or annually therefor. Powers to extend works beyond city

461. In case any person, firm or company has laid down main pipes for the supply of gas or electric or other light, heat or power in or through any of the roads, streets, lanes, squares or other public places of the city, the corporation shall not, without the consent of such person, firm or company first had and obtained, nor otherwise than upon payment to such person, firm or company of such compensation as may be agreed upon, lay down any main pipe for the supply of gas or electric or other light, heat or power, within six feet of the main pipes of such person, firm or company, or if it be impracticable to cut drains, for any such main pipes at a greater distance, then as nearly six feet as the circumstances of the case will admit. This section is subject to any antecedent agreement between such person, firm or company and the corporation. Restrictions when mains already existing

462. The above provisions, from section 451 to section 459 inclusive, shall *mutatis mutandis* apply to the municipal telephone system, and especially as to the powers to collect telephone rates and recover telephone property and fixtures. Municipal telephone system

GENERAL

463. The corporation shall do as little damage as may be in the execution of the powers by this part of this Act granted, and shall make reasonable and adequate satisfaction to the owners, occupiers or other persons interested in the land, waters, rights or privileges entered upon, taken or used by the corporation, or injuriously affected by the exercise of such powers; and in case of a disagreement the compensation or damages shall be ascertained by arbitration in the manner provided in part X of this Act. No unnecessary damage to be done

Attempts to
collect rates
not to
invalidate
lien

464. The attempt to collect any rates by any process herein authorized shall not in any way invalidate any lien on the premises where such lien has been herein provided.

(2) In the event of such rates being a lien upon the said premises as aforesaid and remaining uncollected and unpaid, the amount of the rates so in arrears shall be returned by the collectors to the assessor annually on or before the eighth day of April in each and every year, or such other time as may be fixed by the council; and the same, together with interest at the rate of ten per cent per annum thereon, may thereupon, if directed by the council, be enforced by the assessor in the same manner and subject to the same provisions as in case of the forfeiture of lands for arrears of municipal taxes for the time being.

Protection
and power
of officers

465. The corporation and their officers, agents and servants shall have the like protection in the exercise of their respective offices and the execution of their duties as public officers have under the laws of the province, and the watchmen and other officers of the corporation when in the discharge of their duties shall be *ex officio* possessed of all the powers and authorities of constables.

Property
exempt from
execution

466. All materials procured or partly procured under contract with the corporation, and upon which the corporation shall have made advances in accordance with such contract, shall be exempt from execution.

City public
utilities may
be assessed

467. (1) All works of a public utility nature owned by the city may be assessed as if owned and operated by private persons under a franchise from the city.

Council may
fix basis

(2) The council may from time to time fix the basis or principle of such assessment, using the same or a different basis or principle in regard to the assessment of any one or more of such works.

Property
exempt
from seizure
for distress

468. No property owned by the corporation under the authority of this Act shall be liable to seizure by way of distress for rent.

Power to sell
property when
no longer
required

469. The corporation may dispose of any real or personal property acquired by it for any of its utilities when no longer required, and until sold may rent or lease the same. Any property so sold shall be free from any charge or lien on account of any mortgage, bonds, debentures or other security issued by the corporation; but the proceeds of the sale shall be added to and form part of the fund for the redemption and payment of any such securities constituting a charge thereon, or they may be reinvested in similar property under the authority of this Act, which substituted property shall immediately upon its being acquired be and become subject to such securities as the property sold was subject to; or should no such securities then exist, then the said proceeds shall form part of the general funds of the corporation and may be applied accordingly.

(2) In case credit is given for any portion of the purchase money of such real property, the corporation may take security by way of mortgage to secure the same, and the corporation shall have all the rights, powers and remedies expressed in or implied by any mortgage given as fully as if the mortgage had been given to a private person; and every such mortgage and the proceeds thereof shall be subject to the provisions of the first subsection of this section.

470. No member of the council and no commissioner shall personally have or hold any contract in connection with any works authorized by or executed under this Act or be directly or indirectly interested in the same or any of them; but no person shall be held to be disqualified from being elected or sitting as a member of the council or from being a commissioner by reason of his being a taker or consumer of water, light, heat or power supplied by the corporation, or by reason of any dealing or contract with the corporation with reference to the supply of water, light, heat or power to such person.

No member of council or commissioner to be interested in any contract

471. All persons and corporations who shall by themselves, their servants or agents, by act, default, neglect or omission occasion any loss, damage or injury to any public works constructed under the provisions of this Act, or to any plant, machinery, fittings or appurtenances thereof, shall be liable to the corporation for or in respect of such damage, loss or injury, and damages in respect thereof may be recovered by the corporation in any court of competent jurisdiction.

Liability of persons doing damage

472. The corporation may purchase or lease any works constructed for the supply of water, light, heat and power within or in the neighbourhood of the city, being the property of any person or company, and under the provisions of this Act may improve or extend such works.

Power to purchase or lease existing works

473. If any person does or commits any of the following acts—

Offences and penalties

(1) Wilfully or maliciously hinders or interrupts, or causes or procures to be hindered or interrupted the corporation or their managers, contractors, servants, agents, workmen or any of them in the exercise of any of the powers and authorities in this Act authorized and contained;

(2) Wilfully or maliciously lets off or discharges water, gas or electricity, so that the same runs waste or useless;

(3) Not being in the employment of the corporation and not being a member of the fire brigade and duly authorized in that behalf, wilfully opens or closes any hydrant or obstructs the free access to any hydrant, stop-cock, chamber pipe or hydrant chamber by placing on it any building material, rubbish or other obstruction;

(4) Throws or deposits any injurious, noisome, or offensive matter into the water or waterworks, or upon the ice in case such water is frozen, or in any way fouls or pollutes the water,

or commits any wilful damage or injury to the works, pipes or water, or encourages the same to be done;

(5) Wilfully alters any meter placed upon any service pipe or connection therewith, within or without any house, building or other place, so as to lessen or alter the amount of water, gas or electricity registered thereby, unless specifically authorized by the corporation for that particular purpose and occasion;

(6) Lays or causes to be laid or attached any pipe or main, or wire or rod to communicate with any pipe or main or wire or rod of the works or in any way to obtain or use any water, gas or electricity thereof without the consent of the corporation;

(7) Washes or cleanses cloth, wool, leather, skin, or animals, or places any nuisance or offensive thing within the distance of one mile from the source of supply for such waterworks in any river, pond, creek, spring, source or fountain from which the water of the waterworks is obtained, or conveys, casts, throws or puts any filth, dirt, dead carcase or other noisome or offensive thing therein, or within the distance as above set forth causes, permits or suffers the water of any sink, sewer or drain to run or to be conveyed into the same, or causes any other thing to be done whereby the water therein may be in any way polluted, tainted or fouled;

And if any such person is convicted of such act before a justice of the peace, he shall for every such offence forfeit and pay a sum not exceeding \$20 and not less than \$1, together with the costs and charges attending the proceedings and conviction.

(6) 1933 Chap. 58.

Application
of penalties

474. The penalties in money under the last preceding section or any portion of them which may be recovered shall be paid to the convicting justice, and by him paid one half to the city treasurer and the other half to the prosecutor, unless the prosecutor is the officer or servant of the corporation, in which case the whole of the penalty shall be paid to the city treasurer.

May be
constructed
as separate
undertaking

475. Any municipal public work provided for in this part of this Act may be constructed, built, purchased, improved, extended, held, maintained, managed and conducted either separately as distinct undertakings or in conjunction as one entire undertaking.

Money
borrowed to
be a charge
on works

476. It is hereby provided that any public work or works constructed or acquired under this part of this Act and all lands acquired for the purpose thereof, and every matter and thing appertaining thereto, and all revenues derived therefrom, shall be held to be entirely separate from all other assets of the corporation and shall not be liable for any debt of the corporation heretofore or hereafter contracted by the corporation for other purposes, and such public work or works, lands, appurtenances and revenues, shall be and are hereby specially charged with the repayment of any sum or sums of money which may be borrowed for the purpose of paying the cost or

or commits any wilful damage or injury to the works, pipes or water, or encourages the same to be done;

(5) Wilfully alters any meter placed upon any service pipe or connection therewith, within or without any house, building or other place, so as to lessen or alter the amount of water, gas or electricity registered thereby, unless specifically authorized by the corporation for that particular purpose and occasion;

(6) Lays or causes to be laid or attached any pipe or main, or wire or rod to communicate with any pipe or main or wire or rod of the works or in any way to obtain or use any water, gas or electricity thereof without the consent of the corporation;

(7) Washes or cleanses cloth, wool, leather, skin, or animals, or places any nuisance or offensive thing within the distance of one mile from the source of supply for such waterworks in any river, pond, creek, spring, source or fountain from which the water of the waterworks is obtained, or conveys, casts, throws or puts any filth, dirt, dead carcase or other noisome or offensive thing therein, or within the distance as above set forth causes, permits or suffers the water of any sink, sewer or drain to run or to be conveyed into the same, or causes any other thing to be done whereby the water therein may be in any way polluted, tainted or fouled;

And if any such person is convicted of such act before a justice of the peace, he shall for every such offence forfeit and pay a sum not exceeding \$20 and not less than \$1, together with the costs and charges attending the proceedings and conviction.

(8) Wilfully and without authority from the proper officer of the city last preceding

(a) hinders or interrupts the transmission of any communications over the wires or apparatus of the telephone system of the city;

(b) interferes with, damages, taps or makes any unauthorized connection with any wires, equipment or apparatus belonging to or in the custody or under the control of the Telephone Department of the city".

1933, Chap. 63, Section 8.

476. It is hereby provided that any public work or works constructed or acquired under this part of this Act and all lands acquired for the purpose thereof, and every matter and thing appertaining thereto, and all revenues derived therefrom, shall be held to be entirely separate from all other assets of the corporation and shall not be liable for any debt of the corporation heretofore or hereafter contracted by the corporation for other purposes, and such public work or works, lands, appurtenances and revenues, shall be and are hereby specially charged with the repayment of any sum or sums of money which may be borrowed for the purpose of paying the cost or

Application
of penalties

May be
constructed
as separate
undertaking

Money
borrowed to
be a charge
on works

part of the cost thereof, and for any debentures which may be issued therefor; and the holders of such securities shall, in addition to the liability of the city to pay the same as a liability contracted on the credit of the city at large, as they are hereby declared to be, have a preferential lien and charge on the said works, lands, appurtenances and revenues for securing repayment of the same, and the interest thereon irrespective of the order in which the same are issued.

(2) It is hereby declared that the debentures of the city of Edmonton numbered 1 to 110 inclusive, and being a re-issue of a certain other debenture numbered 45, constitute a special charge upon the municipal waterworks system of the city, with all the rights, powers and privileges set forth in sections 475 to 478 hereof, both inclusive, as well as a charge upon the credit of the city at large, and constitute good, valid, inconvertible securities charged as aforesaid for the principal purporting to be secured thereby and interest at four and one-half per centum payable as therein provided.

477. After the construction of any of the said works, all the revenues therefrom or from the real and personal property connected therewith may, after providing for the expenses attendant upon the maintenance of the works and after payment of the amount payable for principal and interest or sinking fund and interest up to the end of the then current year, be year by year transferred to and form part of the general funds of the corporation and may be applied accordingly or may be used and applied as set out in section 317 of this Act. Revenues from works

478. In the event of default being made in the payment of any portion of the moneys so borrowed or the interest thereon, the holder or holders of such debentures shall be at liberty, as often as such default shall happen and shall have continued for the space of twelve months, but without prejudice to the jurisdiction of any competent court to interfere before the expiration of such period, to enter upon and take possession of the public work or works, lands and appurtenances, and operate the same until all arrears of principal and interest and the reasonable cost and expenses of taking possession and of operating the same shall be fully paid, and may on such terms as any competent court or judge thereof may order, advertise and sell the said public work or works, lands and appurtenances, by public auction, and apply the proceeds of such sale in repayment of the moneys so borrowed and interest and costs and expenses, and the balance if any remaining after such payment shall be paid over to the corporation. Rights of debenture holders on default in payment of moneys borrowed or interest

479. The purchaser or purchasers on any such sale and their assigns shall have and possess and may exercise all the rights, powers, privileges and franchise relating to the construction, maintenance, working and conduct of the work or works which are by this Act conferred upon the corporation, subject to the right of the corporation to resume the ownership thereof at the expiration of ten years from such sale on giving six months notice and on payment within six months Right of purchasers Right of corporation to resume ownership of works

after such period of ten years, at a valuation to be ascertained by arbitration, subject to the assent of the ratepayers as in the case of the original construction or purchase of said works.

(2) In case the corporation fails to exercise the right of resuming the ownership of the public work or works at the expiration of the said period, the corporation may similarly exercise such right at the expiration of any fifth year thereafter upon giving one year's notice to the purchasers or their assigns.

Powers to
borrow to be
in addition
to other
statutory
powers

480. It is hereby declared that the powers of borrowing and issuing of debentures for the purposes mentioned in this part of this Act provided for are not to be accounted as diminishing the powers of the corporation to borrow and issue debentures conferred by any other part of this Act, nor are they to be taken as restricting the power of the corporation to borrow and issue debentures on the credit of the city at large within the limit of amount hereinbefore provided for, for the purpose of constructing or purchasing any such public work or works or assisting therein, and the corporation in borrowing for the purpose of any such public works may notwithstanding any other provision of this Act extend the time of repayment for any term up to fifty years.

(2) Debentures issued in pursuance of a by-law passed under the authority of this part of this Act may be dated as of the actual date of the issue thereof, provided that such date be within four years from the date of the final passing of the by-law, and may be made payable in such manner that for the first five years succeeding their date interest only shall be payable.

(3) Where a system of waterworks and sewers has already been established and it is proposed to extend the said system, it shall not be necessary to obtain the assent of the burgesses to the passing of a by-law for raising the cost of such extension, though such cost is to be wholly or partially borne by the city at large.

*of said system
has been
extended,
1925.
Chas. S. J.*

Special
frontage
rates

481. The corporation may assess, levy and collect a frontage rate on all properties fronting or abutting on the streets, lanes, squares, and other public places in, through or along which the waterworks mains have been or shall hereafter be laid. Such rate shall be a uniform rate of so much (not exceeding ten cents) per foot of the frontage to be assessed, levied and collected as part of and along with the ordinary municipal taxes, and shall form a lien upon the lands affected in the the same way as such ordinary taxes. The amount of such rates, the lands to be affected, the mode of adjustment, of the rate in respect to lands of peculiar shape or size, of different depth, or lands fronting or abutting on more than one such street, lane, square or place, shall be ascertained and determined by such authority and in such manner as shall be directed by the council. A copy of the report of such authority shall be filed with the official in whose charge the collector's rolls are prepared. The latter shall enter the amount of such rates in such rolls

against the respective lands affected in the same manner as and as part of the ordinary municipal rates and taxes. Such rates may be so assessed, levied and collected irrespective of whether such lands are vacant, or are not connected with the water mains, or do not use or receive water from the same. And such frontage rate shall be a charge separate and apart from the rate or price charged for water actually furnished or supplied or agreed to be furnished or supplied by the corporation.

(2) The council may also assess, levy and collect a frontage ^{Special frontage rate for sewers} rate or tax on all properties fronting or abutting on any street, lane, square or other public place in, through or along which sewers ^{have been or shall hereafter be} hereafter be laid. Such rate or tax shall be a uniform one of a certain amount (not exceeding ten cents per foot of the frontage) to be assessed, levied and collected as part of and along with the ordinary municipal taxes and shall be a lien upon the lands affected and shall be collectable in the same way as ordinary municipal taxes. The amount of such rate or tax, the lands to be affected, the mode of adjustment of the rate in respect of lands of peculiar shape or size or different depth or lands fronting or abutting on more than one such street, lane, square or place, shall be ascertained and determined by such authority and in such manner as shall be directed by the council. A copy of the report of such authority shall be filed with the official in whose charge the collector's rolls are prepared. The latter shall enter the amount of such rate or tax in such rolls against the respective lands affected in the same manner as and as part of the ordinary municipal rates and taxes. Such rates or taxes may be so assessed, levied and collected irrespective of whether such lands are vacant or are not connected with the sewer in or along the abutting street, lane, square or other public place or have not drainage thereto. 1933 Chap 43, Sec 510

(3) In the event of any sewers ^{having been or about to be} hereafter being constructed by the council as "local improvements" and of the issue of debentures to meet the whole or any part of the cost of such construction, then the whole of such portion of such frontage rate or tax above authorized as may be required to meet the annual payments on such debentures shall be applied to such purpose. Provided that where such frontage charge is assessed it shall not be necessary to also levy the sums required to be raised under the local improvement by-law or by-laws in respect of the works in regard to which the frontage rate or tax is assessed. 1933 Chap 43, Sec 510

482. The expression "works," "public works," "utility," ^{Other municipal utilities} "utilities," or any similar expression in this part of this Act shall be construed to mean and include all other municipal revenue-earning works or utilities, including the municipal telephone system of the city, now undertaken and operated or which may hereafter be undertaken and operated either under this or any other Statute, and so far as applicable thereto the provisions of this part of this Act shall apply to all such works or utilities.

PART X

EXPROPRIATION OF LANDS

Expropriation
of land

483. If the council desires to acquire land, either within or without the city, for any purpose authorized by this Act, or for the purpose of preventing the working of any coal mine within, upon or under any portion of the land comprised within the city, the commissioners may negotiate with the owners and occupiers of such land or other persons interested therein for the acquisition of the land by agreement, and in case they cannot acquire the land at a fair price by agreement, the commissioners may take steps to acquire the same by expropriation in the name and on behalf of the city.

Compensation

484. The commissioners shall make to the owners or occupiers of or other persons interested in any land taken by the city in the exercise of any of the powers conferred by this Act due compensation, and pay damages for any land or interest therein injuriously affected by the exercise of such powers, the amount of such damages being such as necessarily result from the exercise of such powers beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation or damages if not mutually agreed upon shall be determined by arbitration under this Act

(2) Provided that when a street or any part thereof has been or is being widened by means of an equal contribution from the lots thereon abutting, no compensation shall be payable to the owners or other persons interested therein, nor shall they be entitled to damages except for the value of buildings and improvements demolished or the cost of removal of the same; unless the judge or arbitrator should be of opinion that under the special circumstances of the case the owner is entitled to damages; and in order to provide for a uniform assessment of damages only one arbitration shall be held in respect of the street or part thereof to be widened and the judge or arbitrator dealing with the matter shall have power to make one or more awards as he shall see fit.

Deposit of
plan of land
taken

485. Before taking any land the commissioners shall deposit with the city clerk plans showing the land to be taken or used, and specifications of the work to be done thereon, and the names of the owners or occupiers thereof according to the last revised assessment roll and in case the land to be taken is required for the opening, extending or widening of any highway they shall also deposit copies thereof in the office of the registrar of the land registration district within which the city is situate and the registrar shall receive and preserve the same in like manner as railway plans are received and preserved under the provisions of *The Railway Act of Alberta*; and in the event of transfers of land to be taken being required the lands taken by the city may be described according to said plan.

11850. 1932. Cap 71. 516.

486. The city clerk shall thereupon notify such owners and occupiers of the deposit of said plans and specifications and of the date of such deposit, and that all claims for compensation for the land so to be taken and the amount and particulars thereof must be filed with him within fifteen days from the date of the deposit of the said plans and specifications, which date shall be that with reference to which the amount of the compensation for such land shall be ascertained. Notice to owners, etc.

(2) If any claimant under this section has not filed his claim within the period hereinbefore limited, it may be barred and extinguished on an application to a judge upon such terms as to notice, costs and otherwise as the judge may direct.

487. In case any land not taken for any work or undertaking constructed, made or done by the corporation or commissioners under the authority of this Act is injuriously affected by such work or undertaking, the owner or occupier or other person interested therein shall file with the city clerk within fifteen days after notice has been given in a local newspaper of the completion of the work his claim for damages in respect thereof stating the amount and particulars of such claim. Claims for damage

(2) Such notice shall be given by the city clerk forthwith after the person in charge of the work or undertaking has given his final certificate, and shall state the last day on which any claim under this section may be filed.

(3) The date of publication of such notice shall be the date in respect of which the damages shall be ascertained.

(4) Any claim under this section not made within the period hereinbefore limited shall be forever barred and extinguished.

488. Any claim for compensation for lands taken or damages in respect of lands injuriously affected shall be deemed appurtenant to the land, and shall pass by any transfer or conveyance thereof. Compensation appurtenant to land

489. In the case of land which the city has authority under this Act to take without the owner's consent, corporations, tenants for life, guardians, committees and trustees shall on behalf of themselves, their successors and heirs respectively and on behalf of those whom they represent (whether infants, issue unborn, lunatics, idiots or others) have power to act as well in reference to any arbitration, notice and action under this Act as in contracting for and conveying to the city any such land, or in agreeing as to the amount of damages arising from the exercise by the commissioners of any powers in respect thereof. Trustees and other persons under disability

(2) If there is no such person who can so act in respect of such land, or if any person interested in respect of any such land is absent from the Province of Alberta or is unknown, or if his residence is unknown, or he himself cannot be found, a judge may appoint a person to act in respect to the same for all or any of the said purposes.

(485a) Whenever the council of the city desires to use any land, the title to which is vested in the city, for highway purposes, the council may cause the land required for said purposes to be surveyed and marked on the ground by a duly qualified surveyor, who shall prepare plans in triplicate of such survey and shall certify the same to be correct. such plan shall be approved by the director of surveys for the Province of Alberta and the proper officers of the city. One of the originals of such plan shall be filed in the proper land titles office, another in the department of Public Works of the Province of Alberta, and the third in the office of the city engineer of the city, and upon the deposit in the said land titles office of said plan of survey, together with payment of the proper fee therefor, the registrar shall, notwithstanding the provisions of any other Act, immediately file the same and thereupon the lands included in any such plan shall vest in the city of Edmonton for highway purposes. 1932 Chap. 71, Section 16.

(4) Any claim under this section not made within the period hereinbefore limited shall be forever barred and extinguished.

488. Any claim for compensation for lands taken or damages in respect of lands injuriously affected shall be deemed appurtenant to the land, and shall pass by any transfer or conveyance thereof. Compensation appurtenant to land

489. In the case of land which the city has authority under this Act to take without the owner's consent, corporations, tenants for life, guardians, committees and trustees shall on behalf of themselves, their successors and heirs respectively and on behalf of those whom they represent (whether infants, issue unborn, lunatics, idiots or others) have power to act as well in reference to any arbitration, notice and action under this Act as in contracting for and conveying to the city any such land, or in agreeing as to the amount of damages arising from the exercise by the commissioners of any powers in respect thereof. Trustees and other persons under disability

(2) If there is no such person who can so act in respect of such land, or if any person interested in respect of any such land is absent from the Province of Alberta or is unknown, or if his residence is unknown, or he himself cannot be found, a judge may appoint a person to act in respect to the same for all or any of the said purposes.

(3) In case any person acting as aforesaid has not the absolute estate in the property, the city shall pay into court such amount as a judge shall direct in respect of such property, and the city shall not be bound to see to the application of any sum so paid.

Compensation
and damage
to stand in
lieu of land

490. The compensation or damages which may be agreed upon or awarded for any lands taken or injuriously affected as aforesaid shall stand in the stead of such lands, and shall be subject to the limitations and charges (if any) to which the said lands were subject, and any claim to or encumbrance upon the said lands or to or upon any portion thereof shall as against the city be converted into a claim to the money so agreed upon or awarded or to a like proportion thereof.

Vesting order

491. If any person to whom the compensation or damages or any part thereof is payable refuses to execute the proper transfer, conveyance, discharge or other instrument, or cannot be found or is unknown to the council, or if the city has any reason to fear any claim, mortgage or encumbrance, or if for any other reason the city deems it advisable, the city may pay such compensation or damages into court, and thereupon a judge upon the application "of" the city may grant an order vesting in the city the absolute title to the lands in respect whereof such compensation or damages have been paid into court.

1972, Cap. 41, S6

(2) A notice in such form and for such time as a judge may direct shall be inserted in a newspaper of the city of Edmonton calling upon persons entitled to compensation or damages in respect of any lands or any part thereof so taken or injuriously affected to file their claims to the said compensation or damages or any part thereof; and all such claims shall be received and adjudicated upon by the said judge.

(3) Any judgment in such proceedings shall forever bar all claims to or in respect of the lands or any part thereof and all interests therein, and to, the compensation or damages therefor, and the judge shall make such order for distribution, payment or investment of the money and for securing the rights of all persons interested therein as may be necessary.

Tender

492. The commissioners, in all cases where claims for compensation or damages are made against the city under the provisions of this or any other Act are declared to be the subject of arbitration in the event of the parties not being able to agree, may tender to any person making such claim such amount as they consider proper compensation for the land taken or injuriously affected; and in the event of the non-acceptance by the claimant of the amount so tendered and of the arbitration being proceeded with, if an award is obtained for an amount not greater than the amount so tendered, the costs of the arbitration and award shall, unless otherwise directed by the arbitrator, be awarded to the city and set off against any amount awarded against it.

493. Where a claim is made for compensation or damages ^{Arbitration} by the owner or occupier of or other person interested in lands taken by the commissioners, or which is alleged to have been injuriously affected by the exercise of any of the powers of the commissioners, in the event of the commissioners not being able to agree with the claimant as to the amount of compensation or damages, the same shall be settled and determined by the award of a judge of the Supreme Court of Alberta or of the District Court of the District of Edmonton or of a barrister to be appointed by him, as arbitrator.

494. The fees to be paid to such arbitrator in any such ^{Arbitrator's fees} arbitration shall be as follows.

For every meeting where the arbitration is not proceeded with, but an enlargement or postponement is made at the request of either party, \$3.00;

For every day's sitting to consist of not less than six hours, \$20.00;

For every sitting not extending to six hours (fractional parts of hours being excluded) where the arbitration is actually proceeded with, for each hour occupied, \$3.00.

495. The reference of any such claim to an arbitrator ^{Effect of reference} shall not be deemed to be an admission of liability on the part of the city; and all defences and objections shall be open to either party as if an action had been brought.

496. The arbitrator may award the payment by any of ^{Costs} the parties to the other of the costs of the arbitration or of any portion thereof, and may direct the scale on which such costs shall be taxed, in which case the costs shall be taxed by the officer of the court without any further order; and the amount so determined shall be payable within one week after taxation.

497. In case of an award under this Act the arbitrator ^{Notes of evidence and view} shall take and immediately after making of the award shall file with the city clerk, for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also the documentary evidence so given or a copy thereof, and in case he proceeds partly on a view or on any knowledge or skill possessed by him, he shall also put in writing a statement thereof.

498. The award shall not be binding on the city unless it ^{Effect of award} is adopted by the city by by-law within two months after the making of the award, and if not so adopted the property shall stand as if no arbitration had been held, and the city shall pay the costs of the arbitration. And notwithstanding anything in this Act contained the city need not provisionally pass or submit to the burgesses a by-law for providing the sum awarded until after the date of the award.

Warrant for
immediate
possession

499. On affidavit by any of the commissioners or the city engineer that immediate possession of any land desired to be taken for any purpose is necessary, having regard to the purpose for which it is required, a judge may make an order to place the city in immediate possession of such land; provided that—

(1) Ten days' previous notice of the time when and the place where the application for such order is to be made shall have been served upon the owner and occupier of the land sought to be taken, or the person empowered to convey or interested in the same; and

(2) The city gives security to the satisfaction of the judge by payment into court of a sum sufficient in his estimation to cover the probable compensation and costs of the arbitration, and not less than fifty per cent. above the amount mentioned in the notice served upon the party or parties stating the compensation offered.

Costs of
application

500. The costs of such application and of the hearing before the judge in terms of the preceding section shall be borne by the city, unless the compensation awarded is not more than the city had offered to pay.

(2) No part of the deposit mentioned in the preceding section shall be repaid to the city, or paid to the owner or other person interested, without an order from the judge, which he may make in accordance with the terms of the award.

Completion
of city's
title to land

501. Upon registration in the Land Titles Office for the registration district in which the land taken by the city is situated of the conveyance or transfer of such land, or in the event of the refusal or inability for any cause to grant a transfer or conveyance on the part of the owner or other person in right of the land or entitled to convey or deal with the same as owner, upon registration of the order of the judge vesting in the city the title to the land in pursuance of section 490, the city shall have an absolute and indefeasible title to such land, freed and disencumbered of all mortgages, liens and other encumbrances thereon.

PART XI

HIGHWAYS AND PUBLIC PLACES

Highways

502. In this part of this Act, the expression "highway" shall mean any public highway, road, street, lane, alley, park, square, bridge, river, stream or other public place.

Within the
city

503. Every highway within the limits of the city and the fee simple thereof, except so far as excluded by any special act or agreement, shall be vested in the city;

Provided that the title to and the soil and freehold in the land comprised in all road allowances transferred to the Crown in the right of the Province of Alberta by 6 Edward VII, chapter 45 of the Acts of the Parliament of Canada (chapter 100 of the Revised Statutes of Canada, 1906), and in all public travelled roads or trails vested in the Crown in the right of the Province of Alberta by reason of said Act, which are situate within the City of Edmonton, shall be vested in the City of Edmonton.

Title to
Dominion
road
allowances
within city to
be vested in
city

503a. Notwithstanding any other Act or Ordinance, the council may designate, set apart and properly mark any high-way or part thereof within the city as a through traffic street, and provide that every vehicle before entering upon, crossing or turning into the same shall come to a full stop:

Council may
designate
stop streets

Provided that the driver or operator of any vehicle who has come to a full stop pursuant to any such by-law, upon entering the through traffic street, as well as drivers or operators of vehicles on such through traffic street, shall be subject to the usual right-of-way rule prescribed by law and applicable to vehicles at intersections.

503b. In any case where the city has or shall hereafter grant the right to the owner of an abutting property to excavate under any street or lane for the purpose of a cellar or area way, the same shall be held to be a work carried out by the property owner for his benefit and upon his liability, and the cost of putting a proper flooring or roof or covering or other protection over such area way or cellar shall be paid and borne by such property owner, and the rental, if any, chargeable therefor, may be by way of providing for the benefit of the city a way or tunnel or passage wherein may be carried such utilities of the city as water or gas pipes or electric light, telephone wires, fire or burglar alarm wires, and any rental or the cost of maintaining such area way or the covering or flooring or protection thereof or any damages that may occur to any person by reason of the construction or maintenance or existence of such area way or cellar shall be paid and borne by the owner, and as to damages or costs or charges which may be entailed upon or recoverable by the city by reason thereof shall be added to and become taxes due to the city for the then current year. The rental charged for the privilege of excavation under any street or lane and for the use of such portion thereof shall be by way of a fixed and uniform rate universally applicable; and the rental charge therefor shall be returned to the assessor and be placed by him upon the tax roll under the heading of "special taxes" and the same shall thereupon become taxes due in respect of the lands abutting the excavation. The charge for each coal chute, however, shall not exceed two dollars a year and shall in like manner be part of the special taxes against the land served thereby.

Areaways

Rentals for
excavations
under streets
to be part
of taxes

Charge for
coal chute
not to exceed
\$2.00

(2) All the aforesaid rentals now in arrear shall be placed in the manner aforesaid on the tax roll for the year 1922 and shall thereupon become part of the taxes due in respect of the abutting lands.

All such
rentals now
in arrear to be
added to 1922
taxes

Without the
city

504. The Lieutenant Governor in Council may by order in council vest in the city any highway not wholly within the city limits, or any part thereof.

Consent
municipality
to city entering
outside
highway

504A. Notwithstanding any provision heretofore contained in this charter the city shall not enter into or upon, take or use any highway, street, lane, road, square, bridge or other passage within the limits of any other city, town, or village, without the consent of the council of said city, town, or village first had and obtained.

Dispute

(2) Providing, however, that where there is a dispute between the city, and any rural municipality in connection with work that is being carried on within the boundaries of that municipality such dispute shall be adjusted by the Minister of Public Works.

Ferries

505. All rights, powers, authority, duties and privileges of the Lieutenant Governor in Council, or of the Lieutenant Governor or of the clerk of the legislative assembly under and by virtue of *The Ferries Ordinance* and any other Act now in force or hereafter to be passed in relation thereto, shall become and be vested in the city in so far as regards any ferry or ferries now or at any time hereafter operated to or from any place or places on the banks of the North Saskatchewan River, so far as within the boundaries of the city.

Closing, etc.,
of streets

506. No by-law for the closing and selling, leasing or holding of any public highway shall be passed unless at least two weeks' notice of the intention of the council to pass the same be served upon the persons registered or assessed as the owners of the lands abutting upon the portion of the highway so proposed to be closed and published previous to the passing of the by-law once a week for at least two successive weeks in some newspaper published in the city, nor until any person who claims that his land will be injuriously affected thereby and petitions to be heard has been afforded an opportunity of being heard by himself or his agent in relation to the proposed by-law.

(2) Any such person so claiming, petitioning and appearing shall be entitled to be compensated for all damages to his land by reason of anything done under such by-law; such compensation to be determined in the same manner and subject to the same conditions as in the case provided for by part X of this Act.

(3) In case it shall appear that the amount of the compensation, after deducting the selling price in case a sale is contemplated will be so large that the amount ought not to be paid out of current revenue, the by-law shall be referred for the assent of the burgesses, and if the same be finally passed, the amount necessary to be raised to pay the compensation and any costs may be raised by the issue of debentures for the amount payable, on such terms and with such rate of interest as the council by by-law shall determine.

507. The city shall keep every highway, including all ^{Repairs} crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done therein or thereon by the city or by any person with the permission of the city, in a reasonable state of repair, having regard to the character of the highway and the locality in which the same is situated or through which it passes.

~~(2) Except in case of gross negligence the city shall not be liable for a personal injury caused by snow or ice on a sidewalk.~~

~~(4)(3)~~ Default under this section shall not be imputed to the city in any action if the city shall prove that it had not actual or constructive notice of the disrepair of the highway or other thing in this section mentioned or that it took reasonable means to prevent the disrepair arising.

508. The last preceding section shall not apply to any ^{Private dedication} road, street, bridge, alley or square, crossing, sewer, culvert, sidewalk or other work made or laid out by any private person until the same has been established as a public work by by-law, or has been assumed for public use by the council or by the commissioners.

509. In case an action is brought against the city to recover ^{City's remedy over in action for damages} damages sustained by reason of any obstruction, excavation, or opening in, upon or near to a public highway, placed, made, left or maintained by any person other than a servant or agent of the city, or to recover damages sustained by reason of any neglect or wrongful act or omission of any person other than a servant or agent of the city, the city shall have a remedy over against such other person for the damages and costs, if any, which the plaintiff in the action may recover against the city, and may enforce payment accordingly against such other person.

510. The city shall be entitled to such remedy over in ^{Remedy in same action} the same action, if such other person is made a party to the action; and if it is established in the action as against the other person, that the damages were sustained by reason of an obstruction, excavation or opening as aforesaid, placed, made, left or maintained by such other person; and the city may in any such action have the other person added as a party defendant or third party for the purposes hereof, if not already a defendant in the action jointly with the city; and the other person may defend such action, as well against the plaintiff's claim as against the claim of the city to a remedy over; and the judge upon the trial of the action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases.

511. If such other person is not a party defendant to such ^{Remedy in separate action} action, or be not added as a party defendant or third party, or if the city has paid the claim for such damages before any action is brought to recover the same or before the recovery of damages or costs against the city therein, the city shall have a remedy

507. The city shall keep every highway, including all ^{Repairs} crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done therein or thereon by the city or by any person with the permission of the city, in a reasonable state of repair, having regard to the character of the highway and the locality in which the same is situated or through which it passes.

(2) ~~Provided that except in the case of gross negligence, the City shall not be liable for injury to property or person caused by snow, ice or slush upon any sidewalk, street, highway or lane in the City of Edmonton.~~

(3) ~~Provided further, that no action shall be brought in order to recover against the City of Edmonton for any damage to property or person sustained by reason of the existence of snow, ice or slush upon any sidewalk, street, highway or lane in the City of Edmonton, unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered post to the City Clerk within twenty-one days after the cause of action arises and failing such notice, the City shall be relieved from any liability for such damages or compensation in respect of such accident or injury, notwithstanding any provisions of law to the contrary.~~

^{Private indication}
^{City's remedy over in action for damages}
^{Remedy in same action}

(b) By changing the number of subsection (3) of Section 507 to subsection (4) 1933, Chap. 63, Section 24.

or third party for the purposes hereof, if not already a defendant in the action jointly with the city; and the other person may defend such action, as well against the plaintiff's claim as against the claim of the city to a remedy over; and the judge upon the trial of the action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases.

511. If such other person is not a party defendant to such action, or be not added as a party defendant or third party, or if the city has paid the claim for such damages before any action is brought to recover the same or before the recovery of damages or costs against the city therein, the city shall have a remedy

^{Remedy in separate action}

over by action against such other person for such damages and costs as have been sustained by reason of any obstruction, excavation or opening placed, made, left or maintained as aforesaid.

Admission of
third party's
liability

512. Such other person shall be deemed to admit the validity of the judgment, if any, obtained against the city in cases only where a notice has been served on such person pursuant to the provisions of *The Judicature Ordinance*, or of any rules of court made thereunder, or where such other person has admitted or is estopped from denying the validity of such judgment.

Nonadmission
of liability

513. Where no such notice has been served, and there has been no such admission or estoppel, and the other person has not been made a party defendant or third party to the action against the city, or where damages have been paid without action or without recovery of judgment against the city, the liability of the city for such damages and the fact that the damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by the other person must be established in the action against such other person in order to entitle the city to recover in such action.

Joint
liability

514. Where the city and any adjacent municipality or adjacent municipalities are jointly responsible for the keeping in repair of any public highway, and liable in damages for failure to do so, there shall be contribution between them as to the damages sustained by any person by reason of their default in keeping the same in repair, and any action brought by any such person shall be brought against all of such municipalities jointly, and any defendant therein may require that the proportions in which any damages and costs recovered in the action are to be borne between them shall be determined therein, and in settling such proportions either in the action or otherwise regard shall be had to the extent to which each municipality was responsible either primarily or otherwise for the act or omission for which the damages have become payable or are recovered, and the damages and costs shall be apportioned between them accordingly.

Limitation
of liability

515. Nothing contained in sections 507 or 508 hereof shall cast upon the city any obligation or liability in respect of acts done or omitted to be done by other persons acting in the exercise of powers or authorities conferred upon them by law, and over which the city has no control, where the city is not a party to such acts or omissions, and where the authority under which such persons have acted or shall act is not a by-law, resolution or license of the council.

No liability
on officers of
city

516. Where an action may be brought against the city by any person who has suffered damage by reason of the default of the city in keeping in proper repair any public highway, no action shall be brought in respect of such damage against

any member of the council or officer or employee thereof personally, but the remedy therefor shall be against the city only.

(2) This section shall not affect the liability of a mere contractor with the city, nor of any officer or employee of any such contractor by reason of whose act or neglect the damage was caused.

PART XII

MISCELLANEOUS

ACTIONS BY AND AGAINST THE CITY

517. Where duties, obligations or liabilities are imposed by law upon any person, company or corporation, or where contracts or agreements are or have heretofore been created, enacted or validated by any statute imposing such duties, obligations or liabilities, the city shall have the right by action to enforce such duties or obligations and the payment or discharge of such liabilities, and to obtain as complete and full relief and to enforce the same remedies as could have been maintained, obtained and enforced therein by the Attorney-General, had he been a party to the said action as plaintiff, or as plaintiff upon the relation of any person interested. Right of action by city

518. In case any by-law, order or resolution is illegal in whole or in part, or in case anything has been done under it which by reason of such illegality gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring the action has been given to the city; and every such action shall be brought against the city alone, and not against any person acting under the by-law, order or resolution; and every such action shall be brought within three months of the date of the quashing or repeal of such by-law, order or resolution, otherwise the right of action shall be barred and extinguished. Actions against city under illegal by-laws; notice required

519. Save as otherwise by law provided, no action shall be brought by reason of the death of or any injury to any person or any injury to the property of any person arising out of any accident alleged to be due to the negligence of the city, its officers, employees or agents, unless notice in writing of the accident and the cause thereof has been served upon the city clerk or the commissioners, within sixty days of the happening of the accident, except in the case of personal injury caused by snow or ice on a sidewalk in which case such notice shall be served within ten days of the happening of the accident and any action for damages brought in respect thereof shall be commenced within six months after such right of action has arisen, otherwise the right of action shall be barred and extinguished. Action of damages against city
but of sec 507 D

Time limit

(2) In case of the death of any such person, the want of notice shall not be a bar to the maintenance of the action, and in other cases the want or insufficiency of the notice hereby required shall not be a bar to an action if the court or judge before whom the action is tried considers there is reasonable excuse for the want of such notice or insufficiency thereof, and that the city has not thereby been prejudiced in its defence.

Tender of
amends

520. Upon any claim being made or action brought for damages for alleged negligence on the part of the city, the council or commissioners may tender or pay into court such amount as they may consider proper compensation for any damage sustained or said to have been sustained; and in the event of the non-acceptance by the plaintiff of such tender or of the amount paid into court, as the case may be, and of the action being proceeded with, and no greater amount being adjudged or awarded to the plaintiff than the amount so tendered or paid into court, the costs of the suit shall be awarded to the defendants, and set off against any amount recovered against them.

PENALTIES

Civil action

521. Where any fine or penalty is imposed by this Act, then if the provisions of part XV of *The Criminal Code* relating to summary convictions do not apply, and if no other mode is prescribed for the recovery thereof, the same may be recovered with full costs by civil action in the supreme court at the suit of the city or at the suit of a private party (suing as well for the city as for himself) and unless other provision is made for the appropriation of the penalty, one-half thereof shall belong to the city and the other half to the private plaintiff, if any there be, and, if there be none, the whole shall belong to the city.

1932 C.P. 11, 50

By-laws
containing
penalties

522. The council may by any by-law—

(1) Impose a penalty not exceeding \$100, exclusive of costs, for breach of any provision of any by-law;

(2) Enact that in case the conviction be for nonpayment of any license fee payable to the city under the provisions of any by-law of the city, the convicting judge or magistrate shall adjudge payment thereof in addition to the penalty;

(3) Notwithstanding subsection 1 hereof, in cases where the breach of any by-law is of a continuing nature, or where by the provisions of this Act or of any by-law it is provided that any person shall do or perform any act, or cease doing any act, or cease maintaining any thing, impose a penalty not exceeding \$25 for each day such default is continued;

(4) Enact that any building or erection put up, constructed or maintained, or being put up or constructed, in contravention of any by-laws, may be pulled down and removed by the city, and the cost thereof may be collected by suit from the owner of the property, or may be placed on the collector's roll against

any lands of such person, and shall thereupon become and be collected along with the ordinary taxes; provided always that before the pulling down and removal of any such building or erection by the city, the owner thereof shall have been convicted of a breach of the by-law, and shall have ten days' notice from the city requiring him to pull down or remove such building or erection.

(5) 1733. Cap 63. Sec. 12.

523. Every such penalty, license fee, or penalty and license fee, may (unless other provision is made in respect thereof) be recovered and enforced with costs by summary conviction before any police magistrate or justice of the peace having jurisdiction in the city, and in default of payment thereof forthwith or within a limited time, the said magistrate or justice may order the same to be levied by distress and sale of the goods and chattels of the defendant or that the person convicted (if not a corporation) may be committed to jail or to any public lockup for any time determined by the said magistrate or justice not exceeding thirty days and with or without hard labour, unless such penalty, license fee, or penalty and license fee and costs, including the costs of the committal and of the conveyance of the person convicted to the said jail or lockup are sooner paid. Prosecutions
under by-laws

(1) In every case the whole of the penalty and license fee (if any) shall be adjudged to the city.

(2) The following form in any such case shall be sufficient:
 "City of Edmonton } Be it remembered that on the.....day
 To Wit: } of.....A.D. 19....., at the
 City of Edmonton, *C.D.* is convicted before the undersigned one of His Majesty's Justices of the Peace, for that the said *C.D.* (*stating the offence and the time and place thereof*) contrary to a certain by-law of the said city, passed on the.....day of.....A.D. 19....., and intituled (*reciting the title of the by-law*); and I adjudge the said *C.D.* for his offence to forfeit and pay to the City of Edmonton the sum of.....dollars to be paid and applied according to law, and also to pay to the city the sum of.....dollars for the license fee payable by the said *C.D.* under by-law No.....and to *E.F.* (*the prosecutor*) the sum of.....dollars for his costs in this behalf.

"And unless the said several sums are paid on or before the.....day of.....A.D. 19....., I do order that the said *C.D.* be imprisoned in the city lockup (*or as the case may be*) for the space of.....days, unless the said several sums, together with the costs of the committal and conveyance of the said *C.D.* to the said lockup (*or as the case may be*), are sooner paid.

"Given under my hand and seal at the City of Edmonton the.....day and year first above written.

A.B.,

J.P."

any lands of such person, and shall thereupon become and be collected along with the ordinary taxes; provided always that before the pulling down and removal of any such building or erection by the city, the owner thereof shall have been convicted of a breach of the by-law, and shall have ten days' notice from the city requiring him to pull down or remove such building or erection.

(5) Enact the procedure for the payment to the City Treasurer or other person designated by the council of an amount fixed by by-law, such amount to be in lieu of any punishment by prosecution, for the breach of any by-law of the City designated by the council.

1933, Chap. 63, Section 12.
magistrate or justice not exceeding thirty days and with or without hard labour, unless such penalty, license fee, or penalty and license fee and costs, including the costs of the committal and of the conveyance of the person convicted to the said jail or lockup are sooner paid.

(1) In every case the whole of the penalty and license fee (if any) shall be adjudged to the city.

(2) The following form in any such case shall be sufficient:

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To Wit: } of.....A.D. 19....., at the
City of Edmonton, C.D. is convicted before the undersigned one of His Majesty's Justices of the Peace, for that the said C.D. (*stating the offence and the time and place thereof*) contrary to a certain by-law of the said city, passed on the.....day ofA.D. 19....., and intituled (*reciting the title of the by-law*); and I adjudge the said C.D. for his offence to forfeit and pay to the City of Edmonton the sum of.....dollars to be paid and applied according to law, and also to pay to the city the sum of.....dollars for the license fee payable by the said C.D. under by-law No.....and to E.F. (*the prosecutor*) the sum of.....dollars for his costs in this behalf.

"And unless the said several sums are paid on or before the.....day of.....A.D. 19....., I do order that the said C.D. be imprisoned in the city lockup (*or as the case may be*) for the space of.....days, unless the said several sums, together with the costs of the committal and conveyance of the said C.D. to the said lockup (*or as the case may be*), are sooner paid.

"Given under my hand and seal at the City of Edmonton the.....day and year first above written.

A.B.,

J.P."

Action to
restrain
breach of
by-laws in
certain cases

(3) Where any building is erected, being erected or used or any land is used in contravention of any by-law of the city or where the breach of a by-law is of a continuing nature, in addition to any other remedy provided by this Act and to any penalty imposed by the by-law, such contravention may in the discretion of a judge be restrained by action at the instance of the city.

(4) If any person shall be convicted of sending in any false fire alarm or of unlawfully using or tampering with the fire alarm system of the city, the presiding magistrate or justice may in addition to or in place of any penalty by law provided, order the offender to be committed to jail or to any public lockup for any time determined by the magistrate or justice not exceeding thirty days, with or without hard labour.

(5) 1924 Chap 53

Appeals from
convictions

524. In case any conviction founded upon the breach of any by-law of the city is appealed to the court or tribunal by law empowered to hear and determine appeals against summary convictions, and any question shall, upon the hearing of such appeal, arise in regard to the validity of the by-law or the right of the city or council to pass the same, any person aggrieved by the decision of such court or tribunal may require such court or tribunal to state and sign a case setting forth the facts of the case, and the grounds upon which the validity of the by-law or the right of the council to pass the same is questioned to the Supreme Court of Alberta, *en banc*, or other court of appeal having like jurisdiction, which court shall hear and determine the question of the validity of the by-law and the right of the council to pass the same, and shall thereupon affirm, reserve, or modify the decision, order or determination in respect of which the case has been stated, or remit the matters to the court below with the opinion of the court thereon, and may make such other order in relation to the matter and such orders as to costs as to the court seems fit; and all such orders shall be final and conclusive as against all parties.

Lost property

524A. All lost or unclaimed property in the possession of the city or any department thereof, shall be retained for six months, and if not then claimed the city may dispose of the same by public auction and the purchaser at such auction shall become the owner thereof and any claim of the true owner shall be turned into a claim for the proceeds of sale (less expenses of sale) and if no claim is made to such proceeds within one year from the date of sale the same shall become part of the general revenue of the city.

SPECIAL ENQUIRIES

Enquiry by
Government

525. In case one-third of the members of the council or thirty electors of the city petition the Lieutenant-Governor in council for a commission to issue under the great seal to enquire into the financial affairs of the city, the Lieutenant-Governor in council may issue a commission accordingly, and the commissioner or commissioners so appointed shall have

Action to
restrain
breach of
by-laws in
certain cases

(3) Where any building is erected, being erected or used or any land is used in contravention of any by-law of the city or where the breach of a by-law is of a continuing nature, in addition to any other remedy provided by this Act and to any penalty imposed by the by-law, such contravention may in the discretion of a judge be restrained by action at the instance of the city.

(4) If any person shall be convicted of sending in any false fire alarm or of unlawfully using or tampering with the fire alarm system of the city, the presiding magistrate or justice may in addition to or in place of any penalty by law provided, order the offender to be committed to jail or to any public lockup for any time determined by the magistrate or justice not exceeding thirty days, with or without hard labour.

Appeals from
convictions

(5) Every person who pays any fine or penalty the whole or part of which is payable to the City shall be furnished with an official receipt and the Magistrate, Justice of the Peace or Clerk of the Police Court in the City of Edmonton to whom the same is paid shall within the first five days of each month make a return to the City of all fines, moieties, costs and other money received by him as result of any prosecution under any by-law of the City, and such return and the books and documents upon which it is founded shall be subject to audit by the City.

1933, Chap. 63, Section 13.

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all the powers of commissioners appointed under chapter 12 of *The Consolidated Ordinance, 1898*, intituled "*An Ordinance Respecting Inquiries Concerning Public Matters.*"

526. In case the council pass a resolution requesting a judge either of the Supreme Court of Alberta or of the District Court of the District of Edmonton to investigate any matter mentioned in the resolution and relating to any alleged malfeasance, breach of trust or other misconduct on the part of any member of the council or commissioner, or other officer, servant or agent of the city, or of any person having a contract therewith, in relation to the duties or obligations of such person to the city, or in case the council see fit to cause enquiry to be made into or concerning any matter connected with the good government of the city, or the conduct of any part of the public business thereof, including the affairs or business of any public board, body or trustees to or for which the city contributes or is liable to contribute public moneys, and pass a resolution requesting such judge to make the enquiry, the judge shall enquire into the same and thereupon he shall for that purpose have all the powers which may be conferred upon commissioners under chapter 12 of *The Consolidated Ordinances, 1898*, intituled "*An Ordinance Respecting Inquiries Concerning Public Matters,*" and the judge shall with all convenient speed report to the council the result of the enquiry and the evidence taken thereon.

(2) The judge holding such investigation shall be entitled to receive and shall be paid the same fees as he would be entitled to receive if acting as an arbitrator under section 494 of this Act.

(3) The council requesting any such investigation may engage and pay counsel to represent the city therein, and may pay all proper witness fees to persons summoned to give evidence at the instance of the city, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation, may be represented by counsel thereon.

527. The council may at any time by resolution appoint a committee of its members to investigate and make enquiry into or concerning any matter connected with the good government of the city, or with the administration of any of the public utilities under the control of the city, whether such matter involves any charge against any employee of the city or not; and the council by said resolution may authorize the said committee to engage counsel, and such other skilled persons and clerical assistants as the committee may deem necessary to assist them in their investigation, and every such committee so appointed may in case the matter to be investigated or enquired into concerns any charge against any employee of the city, or in case during the investigation any charge against any such employee arises, the committee may summon such employee before it to answer the charge, and the committee shall have power to summon witnesses and take evidence under oath, and may pay all costs, charges and expenses in-

curred by them in and about such investigation, and the committee shall report the result of the enquiry to the council.

CITY AMALGAMATION

Edmonton-
Strathcona
Amalgamation
Act
confirmed

528. *The Edmonton-Strathcona Amalgamation Act*, except so far as any of the provisions thereof are replaced by corresponding provisions of this Act, and as contained in schedule B of this Act, is hereby confirmed.

Strathcona
debentures
may be
issued by
city

529. Any debentures authorized by referred by-law of the city of Strathcona, as previously existing, and not issued at the time of the coming into force of *The Edmonton-Strathcona Amalgamation Act*, may be issued by the city of Edmonton as debentures of the City of Edmonton, and shall in all respects be as binding as if the by-law or by-laws authorizing the issue of the same were by-laws of the City of Edmonton.

By-law for
public library
confirmed

530. By-law No. 436 of the City of Strathcona, intituled "A by-law to provide for borrowing \$25,000 to be expended in erecting and equipping a public library building," assented to by the burgesses of the City of Strathcona and finally passed by the council of said city on the twelfth day of January, 1912, is hereby declared legal, valid and binding on the City of Edmonton, notwithstanding any informalities, irregularities or defects therein, or by reason of the debt to be created thereby not being payable in the manner by law prescribed, or in any of the proceedings prior to the final passing thereof either in substance or form, and all debentures and coupons thereto attached, issued or to be issued thereunder, are hereby declared legal and valid, and the city of Edmonton shall be bound to pay each and all of the said debentures and coupons as therein respectively stated; and all assessments made or to be made for the payment of any and all of the same are confirmed and declared to be legal, valid and binding.

Union of
library boards

531. The council may pass a by-law providing for only one library board, and upon the passing thereof the Strathcona library board shall become dissolved and cease to be a body politic and corporate, and all its powers, authorities, liabilities and property shall thereupon be transferred to and become vested in the Edmonton library board.

Power to
vary agreement
with the
G.T.P.
Railway

532. The council, with the assent of the Grand Trunk Pacific Railway Company, may without resubmitting the matter to the burgesses vary clause 5 of the agreement entered into between the city and the company, dated the 6th day of March, 1906, and confirmed by chapter 36 of the Statutes of Alberta, 1907, by granting to said company the right to lay down, maintain and use for the purpose of its railway system such tracks on and along the north forty feet of McKenzie Avenue in place of on and along the south forty feet thereof as in said agreement provided.

SCHEDULE A.

ENACTMENTS REPEALED.

SESSION AND CHAPTER	TITLE OF ACT	EXTENT OF REPEAL
Ordinances of the North-West Territories, 1891-92, Cap. 7, and all amendments thereof.....	An Ordinance to incorporate the Town of Edmonton.....	The whole.
Ordinances of the North-West Territories, 1900, Cap. 35.	The Edmonton Municipal Public Works Ordinance.....	The whole.
Ordinances of the North-West Territories, 1904, Cap. 19.	The Edmonton Charter.	The whole.
Statutes of Alberta, 1906, Cap. 76.....	An Act to amend the Edmonton Charter....	The whole.
Statutes of Alberta, 1907, Cap. 35.....	An Act to further amend the Edmonton Charter.....	The whole.
Statutes of Alberta, 1908, Cap. 32.....	An Act to further amend the Edmonton Charter.....	The whole.
Statutes of Alberta, 1908, Cap. 33.....	The Edmonton Radial Tramway Act	The whole.
Statutes of Alberta, 1909, Cap. 28.....	An Act to further amend the Edmonton Charter, the various Acts amending the same, and the Edmonton Radial Tramway Act.	The whole.
Statutes of Alberta, 1910, Cap. 29.....	An Act to further amend the Edmonton Charter and to confirm By-law No. 261 of the City of Edmonton.....	The whole Act, except section 21 thereof.
Statutes of Alberta, 1911-12, Cap. 66.....	The Edmonton-Strathcona Amalgamation Act.....	Secs. 2, 10, 11, 12, 13 and 14; section 9 being amended as printed in schedule B.
Statutes of Alberta, 1911-12, Cap. 68.....	An Act to further amend the Edmonton Charter and to confirm certain by-laws of the City of Edmonton.....	The whole Act, except section 14.

SCHEDULE B.

An Act respecting the City of Edmonton and the City of Strathcona and other matters relating to the union thereof.

Preamble

WHEREAS the municipal corporation of the cities of Edmonton and Strathcona by their joint petition have represented that it is desirable to unite the two corporations under the name of "The City of Edmonton" and to provide for the extension of the limits of the said "The City of Edmonton;"

And whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Strathcona
Charter
repealed

1. From and after the coming into force of this Act The Strathcona Charter, being chapter 34 of the Statutes of Alberta, 1907, and all amendments thereto shall be and the same are hereby repealed.

2. Repealed (Section 8 of The Edmonton Charter substituted).

Assessment
rolls, voters'
lists, notices
proceedings re
taxes of City
of Strathcona
validated and
made part of
the rolls, etc.,
of the City
of Edmonton

3. The assessment rolls and voters' lists for the year one thousand nine hundred and eleven as finally revised, the collectors' roll and all notices regarding taxes and special assessments and all proceedings respecting sales of land for arrears of taxes of the City of Strathcona are and each of them is hereby validated and confirmed and all and every of them shall upon the coming into force of this Act, become part of the assessment rolls, voters' lists, collectors' rolls and notices regarding taxes and special assessments and proceedings respecting sales of land for arrears of taxes of The City of Edmonton.

(2) And the collectors' notices, showing the amount of taxes payable by taxable persons for the year one thousand nine hundred and eleven, of the City of Strathcona, are hereby confirmed and the same shall be good and valid notices in that behalf notwithstanding the same or some of them may have been transmitted, posted, delivered or sent prior to the passing by the council of the City of Strathcona of the bylaw of the council fixing and levying the rates for the year one thousand nine hundred and eleven.

Property and
documents to
be transferred

4. All property, both real and personal, of whatsoever nature and kind and wheresoever situate belonging to or under the control of the corporation of the city of Strathcona, is hereby declared to be the property of the corporation of The City of Edmonton and all such property and all deeds, books, papers, writings and other documents relating thereto or to the affairs of the city of Strathcona in the possession or under the control of the council of the corporation of the city of Strathcona or of any officer, servant or agent of the said corporation shall forthwith be delivered to such persons or officials as the council of the corporation of The City of Edmonton shall appoint for that purpose.

(2) The filing of a copy of this Act in the land titles office for the North Alberta Land Registration District shall operate as a transfer to the corporation of The City of Edmonton of all lands, mortgages, encumbrances, leases and other instruments standing in the name of the city of Strathcona or corporation of the city of Strathcona and the registrar of said district shall upon payment of the proper fees register the corporation of The City of Edmonton as owner thereof.

Provision as
to registration

5. All existing liabilities, lawful debts and obligations of the corporation of the city of Strathcona are hereby declared to be the liabilities, debts and obligations of the corporation of The City of Edmonton, and shall be met, discharged, observed and kept by the corporation of The City of Edmonton, according to the nature thereof, as if the same had been originally incurred or entered into by the corporation of The City of Edmonton.

Liabilities
assumed

6. All sureties for the several officials of the corporation of the city of Strathcona shall be and remain liable to The City of Edmonton, as if they had become sureties for such officials to the corporation of The City of Edmonton in the first instance; and all bonds and securities (whether on behalf of officials or others) which shall have been given to the said city of Strathcona at any time before the passing of this Act shall enure to the benefit of the corporation of The City of Edmonton, and the said corporation shall have all the rights and remedies thereto and thereunder and be entitled to recover thereon to the same extent and under the like circumstances as the said corporation of The City of Strathcona could have done if it had remained a separate municipal corporation.

Sureties to
be liable

7. The by-laws and regulations of The City of Edmonton for the peace, order, good government and welfare of the city shall from and after the coming into force of this Act be in force throughout the whole of The City of Edmonton as hereby constituted and the by-laws and regulations of the city of Strathcona for these purposes shall hereafter cease to have any force or effect.

By-laws of
City of
Edmonton
to be in force

8. The mayor and aldermen of the city of Strathcona shall upon the coming into force of this Act cease to hold office.

Mayor and
aldermen of
Strathcona to
cease to hold
office

9. Forthwith after the coming into force of this Act the Minister of Education of the Province of Alberta shall issue such order or orders as shall be necessary under the provisions of *The School Ordinance* to so rearrange the boundaries of all school districts affected so that The City of Edmonton as herein defined shall contain but one public school district and one Roman Catholic separate school district; and there shall be elected at the same time as mayor and aldermen, seven trustees for each district who shall hold office for the several terms of office as hereinafter provided.

Boundaries
of school
districts to
be rearranged

(2) At the first election after the coming into force of this Act, the two candidates for election as school trustees for each school district residing and having more than one-half in

Election of
school trustees

assessed value of the property for which they are assessed in that portion of the city south of the Saskatchewan River, who receive the greatest number of votes, shall be declared elected (the one of such two in each case receiving the greatest number of votes being elected for the term of two years, and the remaining one for one year). The remainder of the trustees in each school district shall be composed of the five remaining candidates receiving the greatest number of votes irrespective of their place of residence or the situation of the property within the city for which they are assessed, the three receiving the greatest number of votes for two years, and the remaining two for one year.

(3) The portion of The City of Edmonton south of the Saskatchewan River in each school district shall be represented on each school board by not less than two trustees, and at each election of school trustees subsequent to the first election there shall first be declared elected the proper number of candidates residing and having more than one-half in assessed value of the property for which they are assessed in that portion of the city south of the Saskatchewan River sufficient to complete the minimum representation to which the said portion of the city is entitled as herein provided, and there shall then be declared elected a sufficient number of the remaining candidates having the greatest number of votes to make up the number required to complete the number of the board, irrespective of their places of residence and the situation of the property for which they are assessed.

(4) *The School Ordinance* shall not apply to The City of Edmonton where the same is inconsistent herewith or repugnant hereto.

10. Repealed.

11. Repealed, section 17 of *The Edmonton Charter* substituted.

12. Repealed, section 18 of *The Edmonton Charter* substituted.

13. Repealed, section 19 of *The Edmonton Charter* substituted.

14. Repealed, section 20 of *The Edmonton Charter* substituted.

Markets in
Strathcona to
be maintained
and enlarged
Civic offices

15. The present markets in the city of Strathcona shall be maintained and shall be enlarged as required.

16. Civic sub-offices shall be maintained on the south side of the Saskatchewan River for the following purposes: assessment and collection of taxes, electric light and power rates, licenses, police office, police court, dog taxes, receiving applications for local improvements and water and sewer extensions, and all other rates affecting the residents of the south side of the river.

Opening and
maintenance
of streets

17. The system of opening and maintaining streets shall be uniform throughout the whole city.

Light, power,
and water
rates and
street car
fares to be
uniform

18. Electric light and power rates, water rates, street car fares, telephone rates, after the city has acquired the telephone system in Strathcona, and all taxation, shall be uniform throughout the whole city.

19. Within one year after the coming into force of this Act the necessary land shall be purchased or otherwise acquired to extend and open up Saskatchewan Avenue, Strathcona, on the high bank on the south side of the Saskatchewan River towards the west and south as far as the boundary of the city; and be maintained out of the general funds of the city, subject to terms being arranged between the city and the University of Alberta in so far as the university property is concerned, provided that the city shall not be obliged to construct on such avenue any paving, boulevarding or sidewalks out of the general funds.

Saskatchewan Avenue, Strathcona, to be extended

20. The park purchased by the city of Strathcona from the Strathcona Industrial Exhibition Association, Limited, shall be maintained as a public park and recreation ground, and a reasonable sum of money shall be granted for an athletic sports and horse race meet at least once a year. And all city parks of the city of Strathcona shall be maintained and improved.

Strathcona Park to be maintained

21. The contract between the city of Strathcona and the Governors of the University of Alberta regarding the erection of a hospital shall be fulfilled.

Hospital contract, Strathcona, to be fulfilled

22. The system of fire protection at present established in The City of Edmonton shall be extended to and include that portion of the city south of the river.

System of fire protection to be extended

23. The City of Edmonton shall complete a low-level combined traffic and railway steel bridge across the Saskatchewan River at or near the foot of Fourth Street, Edmonton, within eighteen months from the coming into force of this Act.

Low level bridge

24. The City of Edmonton shall have a common basis for future extensions of its street railway system over the entire city.

Street railway extensions

25. The present lines of the Edmonton municipal street railway south of the Saskatchewan River shall be maintained and operated.

26. The present service and lines of the Edmonton municipal street railway on the south side of the river shall be extended from the corner of Fifth Street East and Whyte Avenue along Whyte Avenue, in an easterly direction, to or near the present easterly boundary of the city of Strathcona, thence northerly along or near the said eastern boundary, a distance of eighteen hundred feet, more or less.

Along Whyte Avenue

27. The present service and lines of the Edmonton municipal street railway on the south side of the river shall be extended so as to serve the University of Alberta with a line from Whyte Avenue, the location of such line to be determined by the board of governors of the University of Alberta and the council of the city of Strathcona.

To University

28. The present lines and services of the Edmonton municipal street railway on the south side of the river shall be extended from Whyte Avenue along Main Street in a southerly direction to Sixth Avenue South.

Along Main Street

Time for
completion
of extension

29. The extension as outlined in section 26 shall be completed by December 31st, 1912, and the extensions as outlined in section 28 shall be completed within two years from the coming into force of this Act; the extensions as outlined in section 27 shall be completed by the first day of November, 1911.

Further
extension

30. The City of Edmonton shall within two years from the coming into force of this Act extend and bring into operation its street railway system from the corner of Main Street and Sixth Avenue South (Strathcona) west along Sixth Avenue South to Seventh Street West, and thence either—

- (a) North along Seventh Street West to University Avenue; thence north-westerly along University Avenue to Eighth Street West; thence northerly along Eighth Street West to Whyte Avenue or a street north thereof; thence east to connect with the lines operated on Whyte Avenue or Fifth Street West; or
- (b) Westerly along Sixth Avenue South for a distance of about two thousand nine hundred and sixty (2,960) feet, and the choice of routes to be determined by the superintendent of the street railway department.

Moneys
required for
low level
bridge how
raised

31. The several sums of money necessary to be borrowed for the construction of said bridge near the foot of Fourth Street and said street railway extensions, and the purchase of the right-of-way to open up Saskatchewan Avenue, may be raised, by by-law or by-laws passed by the municipal council, and the assent of the burgesses to any such by-law or by-laws shall not be required.

Computation
of liquor
licenses

32. For the purpose of computing the number of licenses to be issued under the provisions of *The Liquor License Ordinance* the portion of the city south of the Saskatchewan River shall be considered as a separate municipality.

Wooden poles
to be replaced
on street
railway

33. In that portion of the city south of the Saskatchewan River all poles used for the purpose of supporting trolley wires which shall be placed in the centre of the street shall be of iron, and iron poles shall be substituted for the wooden poles at present in use, on the expiration of the lifetime thereof.

Street car
service to
be furnished

34. The City of Edmonton shall furnish the best street car service to all parts of the city south of the Saskatchewan River that can be furnished consistent with the proper operation of the said system from a business standpoint, and in particular shall provide Whyte Avenue and other business districts or centres on the south side of the river with good service, either by running all cars through or to such business districts or centres, or when necessary providing by transfer close connection therewith.

Along Fifth
Street East

35. The City of Edmonton shall operate its street railway system on the line connecting Whyte Avenue and the present bridge between Edmonton and Strathcona along Fifth Street East by cars running at intervals of not more than thirty minutes both north and south.

36. Any of the provisions of this Act may be repealed by the Lieutenant Governor in council upon its appearing to the satisfaction of the Lieutenant Governor in council that the question of such repeal has been submitted to the electors and has been carried by a two-thirds vote of the electors voting thereon on each side of the river. Provisions
for repeal

37. Inasmuch as the city of Strathcona was heretofore included in the electoral district of Strathcona, therefore it is enacted that for the purpose of elections to the Legislative Assembly the electors of that part of The City of Edmonton as hereby constituted being within the limits of said electoral district of Strathcona shall vote in the said electoral district of Strathcona in the same manner and to the same effect as if this Act had not been passed and as if the said territory within said electoral district of Strathcona had not been added to the said city of Edmonton. Strathcona
Electoral
District
continued

38. The unsold debentures authorized by by-law numbered 187 of the city of Strathcona, finally passed on the 30th day of May, 1907, intituled "A by-law to provide for raising \$70,000.00 to purchase block 172 and to erect thereon a City Hospital," may be issued as of the date July 1st, 1911, sealed with the seal of the city of Strathcona and signed by the mayor and secretary-treasurer, whose signatures upon the coupons thereto attached may be lithographed. The principal of such debentures shall be repayable on the termination of the period of 40 years after the said date, an equal sum by way of sinking fund being raised annually during the said period sufficient with the accumulated interest thereon to meet the principal at maturity and the interest thereon semi-annually. Unsold
debentures
of Strathcona
hospital

39. The council and officials of The City of Edmonton may take all proceedings and do all acts which may be necessary for the purpose of completing and constructing under the provisions of The Edmonton Charter relating to local improvements any and all "local improvements" commenced, undertaken or constructed by the council of the former city of Strathcona, and for the purpose of the assessment by "special frontage assessment" of the cost of the same or the cost of any "local improvements" now completed, but as to which no assessment has been made, as fully as if the same had been undertaken, commenced, constructed and completed by The City of Edmonton, the council or officials thereof under the provisions of The Edmonton Charter.

40. The council of The City of Edmonton, may, without referring the matter to the burgesses for their assent, amend by-law No. 402 of the city of Strathcona, intituled "A By-law to authorize the execution on behalf of the city of Strathcona of the lease made by the Board of Governors of the University of Alberta as lessor in favour of the municipality of the city of Strathcona as lessees," and the lease therein mentioned and annexed thereto, by amending the description of the lands thereby leased by adding to or rearranging or changing the boundaries of said lands as may be agreed upon by said council

of The City of Edmonton and said board of governors, provided that the area of such land shall not be thereby decreased.

To come into
force
February 1st,
1912

41. This Act shall come into force on the first day of February, 1912.

42. This Act may be cited as "*The Edmonton-Strathcona Amalgamation Act.*"

APPENDIX A.

EXTRACT FROM THE TOWN ACT, (CHAPTER 55, 1927,) RELATING TO INDIGENTS, WITH AMENDMENTS, APPLICABLE TO THE CITY OF EDMONTON.

INDIGENTS.

153. (1) The council of every town shall, subject to the following subsections of this section, make provision for the maintenance or partial maintenance of its indigent residents and for their care and treatment when sick. Provision for the poor and sick poor

(2) The council of every town may in cases of sudden or urgent necessity make similar provision for indigent and indigent sick persons who are temporarily within the town but are not resident therein. Provision for temporary residents

(3) For the purposes of this and the four next following sections—

(a) "Hospital" shall mean a hospital approved by the Minister of Health under the provisions of The Hospitals Act; Hospital

(b) "Indigent person" shall mean a person who is actually destitute of means from his own resources of obtaining the food, clothing, shelter and medical attendance necessary for his immediate wants; Indigent person

(c) "Resident" means—

(i) any person who has had his home in the town for at least three successive months of the six months immediately preceding the date of his application to the council for assistance, or the date of his application to the council for admission to a hospital, as the case may be; and "Resident" defined

(ii) any person not having had a home as last aforesaid, who has been a sojourner within the town for at least three successive months of the six months immediately preceding the date of his application to the council for assistance, or the date of his application to the council for admission to a hospital, as the case may be;

Provided always that any such person had, at the date of such application, no permanent home elsewhere than in the Province. [1931, c. 49, s. 2(a)]

(4) All such provision for the relief of indigent or the treatment of indigent sick persons shall be made by means of a written order. Necessity of written order

(5) Such written order may be dispensed with in respect of medical advice, attendance or medicines given by a medical practitioner to a sick person at a first visit, if the practitioner certifies that the case was, or that he was informed that the case was, one of sudden and urgent necessity.

(6) Any member of the council, and the secretary-treasurer of the council, may sign and issue any of the written orders mentioned in this section on behalf of the council of which he is a member or by which he is employed, as the case may be. Issue of written orders
[1931, c. 49, s. 2(b)]

Assistance to
non-residents

(7) Where, under the provisions of this section, the council of a town assists any indigent person or causes to be treated any indigent sick person, who is not a resident of the town, then the city, other town, village or municipal district of which the said person is a resident at the time of such assistance or treatment, or the Minister of Public Works, if the said person is a resident of an improvement district, shall upon demand repay the actual expenses incurred by the council.

Liability for
hospital
treatment

(8) The liability of the town for the hospital treatment of indigent sick persons shall be governed by the provisions of The Hospitals Act.

Recovery of
amount
expended

(9) Any sum paid by the council and the value of any assistance given under the provisions of this Act shall constitute a debt due from the person for whose relief, care or treatment it was paid or given or who was legally responsible for the maintenance of the person for whose relief, care or treatment it was paid or given and may be recovered by the secretary-treasurer from him by action or by distraint upon any of his goods or chattels found within the Province, or if deemed advisable it may be added to the taxes levied by the town against any land of which the said patient is the owner, and shall be collected and enforced by any of the modes by which taxes may be collected and enforced.

Charge upon
lands

(10) The council shall have a charge upon the lands owned by any such person situate within the Province for the expenses incurred under this Act and may lodge a caveat for the protection of such charge in the proper Land Titles Office.

Duration of
liability for
indigent

(11) In any case in which a town has granted relief under this Act or The Hospitals Act to any person resident in the town in respect of whom the town is legally chargeable on account of such relief, the liability of the town under the said Acts shall continue so long as such relief is either paid or payable, and for three months after the discontinuance thereof. [1931, c. 49, s. 2(c)]

Act
incorporating
city to have
indigent clause

(12) Every Act or Ordinance incorporating any city, or forming part of the charter thereof, shall include the following section—

“Every city shall, with regard to indigents resident therein, be under the same liabilities to make provision for the relief of such persons and shall have the same right to recover the expenses thereof as are imposed upon or given to any town by The Town Act.”

Liability of
municipalities

If any resident of a city, whilst receiving relief under the provisions of this Act or of The Hospitals Act or of The Mothers' Allowance Act, by reason of his indigency or straightened circumstances, or within three months after receiving any such relief, moves into some other municipality, that municipality shall not be liable to provide for the maintenance, care or treatment of such person, but the city shall continue to be liable as if such person continued to be resident therein.

TABLE A

Containing list of all amendments to THE EDMONTON CHARTER (1913, First Session, c. 23), up to and including the year 1931.

NOTE:—Sections of THE EDMONTON CHARTER not mentioned in this TABLE have not been changed since 1913.

SECTION NUMBER	AMENDMENTS	REMARKS
8	1913 (2nd Session), c. 32, s. 2. 1917, c. 46, s. 10. O.C. (see Alberta Gazette, 31st March, 1914, p. 213). Orders Nos. 1532 and 2025 (Board of Public Utility Commissioners).	
16	1916, c. 28, s. 1.	
16 (2) (3)	1925, c. 65, s. 1.	Plebiscite re Election Mayor for two year term. Power exhausted. Not in 1931 Consolidation.
16A	Original, 1923, c. 63, s. 17.	
20	1916, c. 28, s. 2.	
21	1920, c. 42, s. 1.	
23 (a)	1919, c. 56, s. 1, 1926, c. 76, s. 2.	
27	See 1930, c. 65, s. 3; 1931, c. 83, s. 7; By-law 39, 1930.	
27A	Original, 1930, c. 65, s. 3, Am. 1931, c. 83, s. 7.	
27B	Original, 1920, c. 42, s. 17.	
28	1916, c. 28, s. 3.	
36 (2)	1916, c. 28, s. 4. 1927, c. 76, s. 1.	
36A	Original, 1920, c. 42, s. 16.	
40	1931, c. 83, s. 1.	
41	1913 (2nd Session), c. 32, s. 1 (3). 1915, c. 24, s. 14. 1920, c. 42, ss. 14 and 15. 1923, c. 63, s. 8. 1926, c. 76, s. 21.	
(3)		
43	1913 (2nd Session), c. 32, s. 4. 1921, c. 74, s. 1.	
44 (2)	1917, c. 46, s. 1.	
48	1925, c. 65, s. 1 (2).	
53	1913 (2nd Session), c. 32, s. 5.	
57a	1926, c. 76, s. 1.	
57b	1926, c. 76, s. 1.	

SECTION NUMBER	AMENDMENTS	REMARKS
58	1922, c. 90, s. 1.	
73	1913 (2nd Session), c. 32, s. 6.	
76	1926, c. 76, s. 21.	
PART IV, 83 to 219a	1915, c. 24, s. 16.	Words "voter" and "voters' list" changed throughout Part IV to "elector" and "list of electors."
83	1915, c. 24, s. 15.	
84	1915, c. 24, s. 15. 1920, c. 42, s. 2. 1922, c. 90, s. 2.	
84 (a)	1915, c. 24, s. 15. 1918, c. 52, s. 1. 1920, c. 42, s. 2. 1921, c. 74, s. 2. 1922, c. 90, s. 2.	
84 (b)	1915, c. 24, s. 15. 1920, c. 42, s. 2. 1921, c. 74, s. 3. 1922, c. 90, s. 2.	
84 (c)	1915, c. 24, s. 15. 1919, c. 56, s. 24. 1920, c. 42, s. 2. 1922, c. 90, s. 2.	
84 (d)	1923, c. 63, s. 9. 1931, c. 83, s. 2.	
84a	1925, c. 65, s. 1 (3).	
85	1915, c. 24, s. 15. 1918, c. 52, s. 2. 1919, c. 56, s. 2. 1919, c. 56, s. 25. 1920, c. 42, s. 2. 1921, c. 74, s. 4. 1922, c. 90, s. 2.	
85a	1920, c. 42, s. 5. 1922, c. 90, s. 2.	
85b	1920, c. 42, s. 5. 1922, c. 90, s. 2.	
86	1915, c. 24, s. 15. 1918, c. 52, s. 2. 1920, c. 42, s. 2. 1922, c. 90, s. 2. 1923, c. 63, s. 11. 1923, c. 63, s. 13.	
86a	1922, c. 90, s. 2.	
86b	1922, c. 90, s. 2. 1923, c. 63, s. 12.	
86c	1915, c. 24, s. 15.	
		Sec. 85a Repealed.
		Sec. 85b Repealed.
		Sec. 86c Repealed.

SECTION NUMBER	AMENDMENTS	REMARKS
87	1915, c. 24, s. 15. 1920, c. 42, s. 4. 1923, c. 63, s. 14. See 1930, c. 65, s. 3; 1931, c. 83, s. 7; and By-law 39, 1930.	
88	1915, c. 24, s. 15. 1918, c. 52, s. 3. 1923, c. 63, s. 14.	
89	1915, c. 24, s. 15. 1918, c. 52, s. 4. 1923, c. 63, s. 14.	
90	1915, c. 24, s. 15. 1918, c. 52, s. 5. 1923, c. 63, s. 14. See 1930, c. 65, s. 3; 1931, c. 83, s. 7; and By-law 39, 1930.	
91	1923, c. 63, s. 14.	
91a	1918, c. 52, s. 6. 1920, c. 42, s. 3.	Sec. 91a Repealed.
92	1918, c. 52, s. 7. 1919, c. 56, s. 26. 1922, c. 90, s. 3.	
(2)	1916, c. 28, s. 5. 1919, c. 56, s. 26.	Sec. 92 (2) Repealed.
93 (2)	1916, c. 28, s. 6. See also 1930, c. 65, s. 3; 1931, c. 83, s. 7; By-law 39, 1930.	
94	1916, c. 28, s. 7.	
97	1922, c. 90, s. 4. See 1930, c. 65, s. 3; 1931, c. 83, s. 7; By-law 39, 1930.	
99 (2)	1916, c. 28, s. 8.	
100	1916, c. 28, s. 9.	
101	1923, c. 63, s. 1. See 1930, c. 65, s. 3; 1931, c. 83, s. 7; By-law 39, 1930.	
102	1921, c. 74, s. 5.	
109	1926, c. 76, s. 3.	
110	1926, c. 76, s. 3.	Sec. 110 Repealed.
115	1915, c. 24, s. 17.	
116	1928, c. 77, s. 1.	
123	1923, c. 63, s. 10.	
124	1930, c. 65, s. 4.	
124a	1920, c. 42, s. 6.	

SECTION NUMBER	AMENDMENTS	REMARKS
126	1915, c. 24, s. 18.	Sec. 127 Repealed.
127	1915, c. 24, s. 18.	
131 (6)	1913 (2nd Session), c. 32, s. 1 (1).	
138 (2)	1913 (2nd Session), c. 32, s. 1 (3).	
149	1916, c. 28, s. 10.	
153	1916, c. 28, s. 11.	
157	1913 (2nd Session), c. 32, s. 1 (2).	
173	1916, c. 28, s. 12. 1926, c. 76, s. 4.	
208a	1929, c. 69, s. 1 (2).	
214	See 1930, c. 65, s. 3; 1931, c. 83, s. 7; By-law 39, 1930.	
217	1928, c. 77, s. 2.	
219a	1923, c. 63, s. 2.	
221	1918, c. 52, s. 8.	
221 (2)	1917, c. 46, s. 5.	
221 (3)	1917, c. 46, s. 5. 1923, c. 63, s. 3.	
(4)	1917, c. 46, s. 5.	
(5)	1917, c. 46, s. 5.	
(6)	1920, c. 42, s. 23.	
(7)	1921, c. 74, s. 6.	
(8)	1922, c. 90, s. 19.	
(9)	1927, c. 76, s. 2.	
221A	Original, 1929, c. 69, s. 2.	
221B	Original, 1917, c. 46, s. 22.	
221C	Original, 1922, c. 90, s. 17.	
221D	Original, 1924, c. 42, s. 11.	
221E	Original, 1924, c. 42, s. 8.	
221F	Original, 1924, c. 42, s. 9.	
221G	Original, 1924, c. 42, s. 10.	
221H	Original, 1922, c. 90, s. 18.	
221I	Original, 1916, c. 28, s. 13.	
221J	Original, 1930, c. 65, s. 8.	

SECTION NUMBER	AMENDMENTS	REMARKS
226	1913 (2nd Session), c. 32, s. 4.	
227 (1)	1929, c. 69, s. 1 (3).	
227 (4)	1918, c. 52, s. 12.	
228A	Original, 1913 (2nd Session), c. 32, s. 16; Am. 1920, c. 42, s. 12.	
231	1920, c. 42, s. 20. 1923, c. 63, s. 5.	
231 (2)	1924, c. 42, s. 1 (7). 1931, c. 83, s. 3.	
231a	1927, c. 76, s. 4.	
231B	Original, 1930, c. 65, s. 2.	
233	1926, c. 76, s. 5.	
233 (2)	1931, c. 83, s. 9.	
233 (3)	1920, c. 42, s. 7. 1925, c. 65, s. 1 (4). 1926, c. 76, s. 17. 1928, c. 77, s. 7. 1930, c. 65, s. 6. 1930, c. 65, s. 7.	
233 (4)	1922, c. 90, s. 5.	
233 (5)	1926, c. 76, s. 6.	
233 (6)	1929, c. 69, s. 1 (4).	
233A	Original, 1931, c. 83, s. 13.	
237 (2)	1916, c. 28, s. 14.	
239	1917, c. 46, s. 9 (1).	
239 (10)	1917, c. 46, s. 9 (2).	
239 (11)	1922, c. 90, s. 24 (3).	
239a	1919, c. 56, s. 22. 1920, c. 42, s. 8. 1923, c. 63, s. 6. 1924, c. 42, s. 13. 1925, c. 65, s. 1 (5). 1927, c. 76, s. 8. 1927, c. 76, s. 9. 1929, c. 69, s. 1 (5). 1930, c. 65, s. 9. 1930, c. 65, s. 10. 1931, c. 83, s. 11. 1931, c. 83, s. 12.	
239b	1919, c. 56, s. 22. 1923, c. 63, s. 6.	

SECTION NUMBER	AMENDMENTS	REMARKS
246a	1924, c. 42, s. 14.	
248	1913 (2nd Session), c. 32, s 1 (5).	
249	1913 (2nd Session), c. 32, s. 1 (6).	
250	1929, c. 69, s. 1 (6). 1930, c. 65, s. 1.	
251	1915, c. 24, s. 19.	
(2)	1916, c. 28, s. 15.	
	1918, c. 52, s. 9.	
	1918, c. 52, s. 30.	
(3)	1920, c. 42, s. 21.	Changed to (4) in 1931 Cons.
252	1922, c. 90, s. 6. 1931, c. 83, s. 4.	
255	1916, c. 28, s. 16.	Words "voters' list" changed to "list of burgesses" wherever they occur in Sections relating to voting on referred by-laws.
256	1916, c. 28, s. 17.	
263	1928, c. 77, s. 3.	
267	1916, c. 28, s. 18.	
268	1918, c. 52, s. 10.	Sec. 268 Repealed.
270	1913 (2nd Session), c. 32, s. 1 (7).	
277	1916, c. 28, s. 19.	
290	1913 (2nd Session), c. 32, s. 1 (8).	
291	1919, c. 56, s. 2.	
293a	1918, c. 52, s. 11.	
295a	1924, c. 42, s. 1 (4).	
296	1919, c. 56, s. 3. 1926, c. 76, s. 9.	
296A	Original, 1924, c. 42, s. 3; Am. 1931, c. 83, s. 8.	
296B	Original, 1924, c. 42, s. 5.	
296C	Original, 1924, c. 42, s. 7.	
297	1916, c. 28, s. 20.	
300 (2)	1913 (2nd Session), c. 32, s. 1 (9).	
305	1916, c. 28, s. 78. 1918, c. 52, s. 13. 1921, c. 74, s. 14. 1926, c. 76, s. 10.	
308	1921, c. 74, s. 8.	

SECTION NUMBER	AMENDMENTS	REMARKS
308a	1922, c. 90, s. 7.	
309	1915, c. 24, s. 22.	
309 (5)	1916, c. 28, s. 77. 1917, c. 46, s. 13.	
(5) (a)	1918, c. 52, s. 14.	
(c)	1917, c. 46, s. 13.	
(d) to (k)	1922, c. 90, s. 21.	
309 (6)	1918, c. 52, s. 43. 1924, c. 42, s. 1 (5).	
309a	1923, c. 63, s. 7.	
312a	1921, c. 74, s. 15.	
315	1916, c. 28, s. 21.	
(2)	1922, c. 90, s. 8. 1928, c. 77, s. 9.	
(9)	1917, c. 46, s. 7.	
(10)	1926, c. 76, s. 7.	
(11) (a) to (d)	1928, c. 77, s. 10.	
316	1916, c. 28, s. 21.	Sec. 316 Repealed.
317A	Original, 1913 (2nd Session), c. 32, s 14.	
318	1916, c. 28, s. 21.	Sec. 318 Repealed.
318A	Original, 1918, c. 52, s. 41.	
319	1917, c. 46, s. 2.	
320 (4)	1922, c. 90, s. 9.	
(9)	1921, c. 74, s. 9. 1922, c. 90, s. 9. See 1924, c. 42, s. 4.	
321	1917, c. 46, s. 3. 1919, c. 56, s. 6 (a). 1919, c. 56, s. 6 (b).	
(2)	1918, c. 52, s. 60. 1921, c. 74, s. 10.	
(3)	1918, c. 52, s. 60. 1919, c. 56, s. 10. 1920, c. 42, s. 11. 1926, c. 76, s. 8.	
3 (a)	1917, c. 46, s. 3.	
3 (b)	1917, c. 46, s. 3.	
3 (c)	1917, c. 46, s. 3. 1918, c. 52, s. 61.	

SECTION NUMBER	AMENDMENTS	REMARKS
3 (d)	1917, c. 46, s. 3. 1918, c. 52, s. 62. 1920, c. 42, s. 10.	
3d (aa)	1918, c. 52, s. 62. 1919, c. 56, s. 11 (1).	
3d (bb)	1918, c. 52, s. 62. 1919, c. 56, s. 11 (2).	
3d (cc)	1918, c. 52, s. 62. 1919, c. 56, s. 11 (3).	
3d (dd)	1918, c. 52, s. 62. 1919, c. 56, s. 11 (4).	
3d (ee)	1918, c. 52, s. 62.	
3d (ff)	1918, c. 52, s. 62.	
3d (ff) (e)	1930, c. 65, s. 11.	
3 (e)	1917, c. 46, s. 3. 1921, c. 74, s. 18. 1922, c. 90, s. 14. 1926, c. 76, s. 11.	
3 (f)	1917, c. 46, s. 3.	
3 (g)	1917, c. 46, s. 3.	
3 (g1)	1918, c. 52, s. 63.	
3 (h)	1917, c. 46, s. 3.	
3 (h1)	1921, c. 74, s. 7. 1931, c. 83, s. 6 (a).	
3 (i)	1917, c. 46, s. 3.	
3 (j)	1917, c. 46, s. 3. 1926, c. 76, s. 23. 1931, c. 83, s. 6 (b).	
(4)	1917, c. 46, s. 3.	
(5)	1917, c. 46, s. 3.	
321A	Original, 1918, c. 52, s. 44.	
322A	Original, 1924, c. 42, s. 4.	
323	1916, c. 28, s. 22. 1917, c. 46, s. 4. 1918, c. 52, s. 15. 1928, c. 77, s. 4.	
323A	Original, 1922, c. 90, s. 15.	
324	1917, c. 46, s. 4.	Sec. 324 Repealed.
326	1927, c. 76, s. 3.	
327	1918, c. 52, s. 16.	
328	See 1924, c. 42, s. 4	

SECTION NUMBER	AMENDMENTS	REMARKS
337	1918, c. 52, s. 17.	
340	1929, c. 69, s. 1 (7).	
342	1918, c. 52, s. 18.	
344	1918, c. 52, s. 19.	
347	1919, c. 56, s. 4.	
(1) (2) (3) and (4)	1913 (2nd Session), c. 32, s 1 (10).	
(6)	1918, c. 52, s. 20.	
347a	1917, c. 46, s. 6. 1918, c. 52, s. 22.	Sec. 347a Repealed.
353	1918, c. 52, s. 23.	
(2)	1922, c. 90, s. 10.	
359A	Original, 1921, c. 74, s. 16; Am.	
(2)	1928, c. 77, s. 12.	
(3)	1922, c. 90, s. 24 (1).	
	1924, c. 42, s. 12 (1).	
(4)	1925, c. 65, s. 2 (1).	
(5)	1922, c. 90, s. 24 (2).	
	1924, c. 42, s. 12 (2), (3).	
	1930, c. 65, s. 12.	
(7)	1925, c. 65, s. 2 (2).	
(11)	1924, c. 42, s. 12 (4).	
	1925, c. 65, s. 2 (3).	
360	1918, c. 52, s. 21.	
361	1916, c. 28, s. 23.	
366	1918, c. 52, s. 24.	
368	1918, c. 52, s. 25.	
	1919, c. 56, s. 13.	
	1922, c. 90, s. 11.	
	1924, c. 42, s. 1 (6).	
	1925, c. 65, s. 1 (11).	
(2)	1918, c. 52, s. 25.	
	1922, c. 90, s. 12.	
	1928, c. 77, s. 5.	
(3)	1918, c. 52, s. 25.	
369a	1926, c. 76, s. 12.	
372A	Original, 1917, c. 46, s. 21.	
376a	1925, c. 65, s. 1 (6).	
388	1915, c. 24, s. 23.	
388A	Original, 1924, c. 42, s. 15.	
388B	Original, 1924, c. 42, s. 16; Am. 1925, c. 65, s. 1 (10); 1927, c. 76, s. .7	
388C	Original, 1922, c. 90, s. 16; Am. 1929, c. 69, s. 1 (11).	

SECTION NUMBER	AMENDMENTS	REMARKS
388D	1916, c. 28, s. 76.	
389	1915, c. 24, s. 21.	
392	1915, c. 24, s. 21.	
389 to 403	1916, c. 28, s. 33.	Secs. 389 to 403 Repealed. See Secs. 34 to 75, inclusive, of c. 28, 1916.
404 (i)	1915, c. 24, s. 20.	
(n)	1926, c. 76, s. 13.	
(o)	1926, c. 76, s. 13.	
2a (aa)	1929, c. 69, s. 1 (8).	
404 (5)	1924, c. 42, s. 1 (3).	Sec. 404 (5) Repealed.
405a	1929, c. 69, s. 1 (9).	
406 (d)	1916, c. 28, s. 24.	
412	1913 (2nd Session), c. 32, s. 1 (11). 1926, c. 76, s. 14.	
415	1925, c. 65, s. 1 (7).	
415a	1925, c. 65, s. 1 (8).	
416	1913 (2nd Session), c. 32, s. 7. 1920, c. 42, s. 9.	
416a	1926, c. 76, s. 15.	
416b	1926, c. 76, s. 15. 1927, c. 76, s. 5. 1928, c. 77, s. 11.	
417a	1929, c. 69, s. 1 (1).	
422	1916, c. 28, s. 25.	
422A	Original, 1918, c. 52, s. 39.	
423	1916, c. 28, s. 26.	
428	1913 (2nd Session), c. 32, s. 1 (12).	
438	1913 (2nd Session), c. 32, s. 1 (14).	
442	1913 (2nd Session), c. 32, s. 1 (15).	
444	1918, c. 52, s. 40.	
446	1913 (2nd Session), c. 32, s. 1 (13).	
447	1913 (2nd Session), c. 32, s. 1 (13).	
451	1916, c. 28, s. 30.	
455	1913 (2nd Session), c. 32, s. 1 (16).	
457	1913 (2nd Session), c. 32, s. 1 (17).	
458	1918, c. 52, s. 40.	

SECTION NUMBER	AMENDMENTS	REMARKS
467	1928, c. 77, s. 6.	
469	1913 (2nd Session), c. 32, s. 1 (18); 1913 (2nd Session), c. 32, s. 8.	
473 (5)	1913 (2nd Session), c. 32, s. 1 (19).	
478	1913 (2nd Session), c. 32, s. 1 (20).	
480	1918, c. 52, s. 26.	
481 (2)	1924, c. 42, s. 1 (1).	
(3)	1924, c. 42, s. 1 (1).	
484 (2)	1913 (2nd Session), c. 32, s. 9.	
489	1913 (2nd Session), c. 32, s. 1 (21).	
491	1913 (2nd Session), c. 32, s. 1 (22).	
493	1916, c. 28, s. 27.	
503	1918, c. 52, s. 27. 1927, c. 76, s. 6.	
503a	1913 (2nd Session), c. 32, s. 10. 1916, c. 28, s. 28. 1922, c. 90, s. 13. 1929, c. 69, s. 1 (10).	Duplicate number, changed to 503b, 1931 Cons.
504A	Original, 1913 (2nd Sess.), c. 32, s. 17.	
504A (2)	Original, 1913 (2nd Sess.), c. 32, s. 18.	
506	1913 (2nd Session), c. 32, s. 11. 1918, c. 52, s. 28.	
507 (2)	1923, c. 63, s. 15.	
(3)	1929, c. 69, s. 4.	
509	1913 (2nd Session), c. 32, s. 1 (23).	
515	1931, c. 83, s. 5.	
519	1923, c. 63, s. 16.	
523	1918, c. 52, s. 29.	
(3)	1918, c. 52, s. 29.	
(4)	1930, c. 65, s. 5.	
524A	Original, 1916, c. 28, s. 80.	
526	1913 (2nd Session), c. 32, s. 1 (24). 1916, c. 28, s. 29.	

SECTION NUMBER	AMENDMENTS	REMARKS
533	1918, c. 52, s. 44.	NOTE—Part XIII (ss. 533 to 547 inclusive) added to the Edmonton Charter by 1918, c. 52, s. 44. Secs. 533 to 546 inclusive, relate to Income Tax, now expired, except for collection purposes; see 1920, c. 42, s. 24 (not in 1931 Consolidation).
(1)	1919, c. 56, s. 14 (1).	
4a	1919, c. 56, s. 14 (4).	
5a	1918, c. 52, s. 44. 1919, c. 56, s. 14 (2).	
5b	1918, c. 52, s. 44. 1919, c. 56, s. 14 (5).	
5e	1919, c. 56, s. 14 (3).	
534	1918, c. 52, s. 44. 1919, c. 56, s. 15.	
535	1918, c. 52, s. 44. 1919, c. 56, s. 16 (1).	
2 (a)	1918, c. 52, s. 44.	
(b)	1919, c. 56, s. 16 (2).	
2 (c)	1919, c. 56, s. 16 (2).	
(3)	1918, c. 52, s. 44. 1919, c. 56, s. 16 (3).	
(4)	1918, c. 52, s. 44. 1919, c. 56, s. 7.	
(5)	1918, c. 52, s. 44.	
(6)	1919, c. 56, s. 16 (4).	
536	1918, c. 52, s. 44.	
(a) to (i)	1918, c. 52, s. 44.	
(j) and (k)	1919, c. 56, s. 17.	
537	1918, c. 52, s. 44. 1919, c. 56, s. 18.	
538	1918, c. 52, s. 44.	
539	1918, c. 52, s. 44.	
540	1918, c. 52, s. 44. 1919, c. 56, s. 19.	
(2)	1918, c. 52, s. 44. 1919, c. 56, s. 19 (2).	
(3)	1919, c. 56, s. 19 (3).	
541	1918, c. 52, s. 44.	
(a)	1918, c. 52, s. 44.	
(b)	1919, c. 56, s. 20.	
(c)	1919, c. 56, s. 20.	
542	1918, c. 52, s. 44.	
543	1918, c. 52, s. 44.	

SECTION NUMBER	AMENDMENTS	REMARKS
544	1918, c. 52, s. 44.	
545	1918, c. 52, s. 44.	
546	1918, c. 52, s. 44.	
546a	1919, c. 56, s. 21.	
547	1918, c. 56, s. 44. 1920, c. 42, s. 22. 1925, c. 65, s. 1 (9). 1926, c. 76, s. 16.	Section 547 relates to assessment and taxation of buildings and improvements and is shown in present Consolidation as Section 321A.
(4)	1921, c. 74, s. 11.	
SCHEDULE B	1913 (2nd Session), c. 32, s. 1 (25 to 28). 1913 (2nd Session), c. 32, s. 12.	

NOTE:—The following Sections have been added to the Edmonton Charter since 1913 but do not bear consecutive numbers.

SECTION NUMBER	AMENDMENTS	REMARKS
1913 (2nd Sess.), c. 32, s. 13.		Re By-laws 163, 451 and 457 (Strathcona) re closing certain highways. Re C.P.R. Station Grounds. Not in 1931 Consolidation.
1913 (2nd Sess.), c. 32, s. 14.		City may be agent for sale of School Debentures. Sec. 317A, 1931 Cons.
1913 (2nd Sess.), c. 32, s. 15.		Validates By-law 530, City of Edmonton. Not in 1931 Consolidation.
1913 (2nd Sess.), c. 32, s. 16.	1920, c. 42, s. 12.	Bonusing prohibited. Sec. 228A, 1931 Consolidation.
1913 (2nd Sess.), c. 32, s. 17.		Council no power to take highway in outside area without consent. Sec. 504-A, 1931 Consolidation.
1913 (2nd Sess.), c. 32, s. 18.		Dispute between Municipality and City as to work decided by Minister of Public Works. Sec. 504A (2), 1931 Consolidation.
1914, c. 37, s. 1.		Grants by Council for patriotic purposes in connection with Great War validated. Not in 1931 Consolidation.
1915, c. 24, s. 1 to 13.	1920, c. 42, s. 13.	Police Commission—RE-PEALED.
1916, c. 28, s. 13.		Council may take Plebiscite on any question. Section 221I, 1931 Consolidation.
1916, c. 28, s. 31.		Validates By-laws 526, 578, 579 and 670. Not in 1931 Consolidation.
1916, c. 28, s. 32.		Validates By-law 677 re apportionment cost of widening 5th Street West (109th Street), South Side. Not in 1931 Consolidation.
1916, c. 28, s. 34.		Secs. 34 to 75 of 1916, c. 28 replace original Secs. 389 to 403 of the Edmonton Charter dealing with Tax Forfeiture Provisions. As procedure in Tax Sales is now regulated by the Tax Recovery Act, said Secs. 34 to 75 have not been carried into 1931 Consolidation.
1916, c. 28, s. 35.	1917, c. 46, s. 14.	
1916, c. 28, s. 35 (2).	1917, c. 46, s. 15.	
1916, c. 28, s. 35 (3).	1918, c. 52, s. 31.	
1916, c. 28, s. 36.	1917, c. 46, s. 20.	
1916, c. 28, s. 37.	1918, c. 52, s. 32.	
1916, c. 28, s. 38.		
1916, c. 28, s. 39.	1918, c. 52, s. 33.	

SECTION NUMBER	AMENDMENTS	REMARKS
1916, c. 28, s. 40.		
1916, c. 28, s. 41.		
1916, c. 28, s. 42.		
1916, c. 28, s. 43.		
1916, c. 28, s. 44.	1917, c. 46, s. 18.	
1916, c. 28, s. 45.		
1916, c. 28, s. 46.	1918, c. 52, s. 34.	
1916, c. 28, s. 47.	1918, c. 52, s. 35.	
1916, c. 28, s. 48.	1918, c. 52, s. 35.	
1916, c. 28, s. 49.		
1916, c. 28, s. 50.		
1916, c. 28, s. 51.		
1916, c. 28, s. 52.		
1916, c. 28, s. 53.		
1916, c. 28, s. 54.	1918, c. 52, s. 36.	
1916, c. 28, s. 55.		
1916, c. 28, s. 56.		
1916, c. 28, s. 56a.	1918, c. 52, s. 37.	
1916, c. 28, s. 57.		
1916, c. 28, s. 58.		
1916, c. 28, s. 59.	1917, c. 46, s. 19.	
1916, c. 28, s. 60 to 75.		
1916, c. 28, s. 76.		Six months limitation on action to recover taxes. Sec. 388D, 1931 Consolidation.
1916, c. 28, s. 79.		Re Proportional Representation Plebiscite. No Longer Applicable. See 1928, c. 77, s. 8. Not in 1931 Consolidation.
1916, c. 28, s. 80.		Re lost property. Sec. 524A, 1931 Consolidation.
1916, c. 28, s. 81.		Re Jasper Avenue Extension Plan. Not in 1931 Consolidation.
1917, c. 46, s. 8.		Validates By-laws 659, 661, 664, 665, 666, 667, and 668. Not in 1931 Consolidation.
1917, c. 46, ss. 11 and 12.		Amalgamation with Calder (Village of West Edmonton). Not in 1931 Consolidation.
1917, c. 46, s. 16.	1919, c. 56, s. 8.	Re temporary disposal of sewage. Not in 1931 Consolidation.
1917, c. 46, s. 17.		Proceeds Tax Sale to be apportioned among districts concerned. No longer applicable. Not in 1931 Consolidation.
1917, c. 46, s. 21.		Council may apportion taxes upon re-subdivision. Sec. 372A, 1931 Consolidation.

SECTION NUMBER	AMENDMENTS	REMARKS
1917, c. 46, s. 22.		Scavenging a civic monopoly. Sec. 221B, 1931 Consolidation.
1918, c. 52, s. 38.	1919, c. 56, s. 9. See also 1924, c. 42, s. 15.	Council may make agreements regarding payment of ar- rears of taxes. Not in 1931 Consolidation.
1918, c. 52, s. 39.		Council may fix tramway fares. Sec. 422A, 1931 Consolida- tion.
1918, c. 52, s. 41.		Public School Board may invest surplus funds in City debentures. Sec. 318A, 1931 Consolida- tion.
1918, c. 52, s. 42.		Validates By-laws Nos. 4, 6, 7 and 13, 1918. Not in 1931 Consolidation.
1918, c. 52, s. 44.		Adds Part XIII (Secs. 533 to 547, q.v.).
1919, c. 56, s. 12.		Agreement between Public School Board and Great War Veterans validated. Not in 1931 Consolidation.
1919, c. 56, s. 23.		Re agreement with Alberta Ladies' College of Red Deer. Not in 1931 Consolidation.
1919, c. 56, s. 27.		Validates By-laws Nos. 553, 560; and Nos. 8, 9, 10, 11, 12, 14, 15 and 16, 1918; and No. 3, 1919. Not in 1931 Consolidation.
1920, c. 42, s. 16.		Mayor, ex-officio member certain Boards. Sec. 36A, 1931 Consolidation.
1920, c. 42, s. 17.		Council's representatives on Boards to forfeit office in certain cases. Sec. 27B, 1931 Consolidation.
1920, c. 42, s. 18.		Validation of Agreement be- tween City and The North- ern Alberta Natural Gas Development Co., not to affect rights of respective parties. Not in 1931 Consolidation.
1920, c. 42, s. 19.		Council empowered (a) to lease Strathcona (Univer- sity) Hospital to Dominion Government.

SECTION NUMBER	AMENDMENTS	REMARKS
1920, c. 42, s. 19 (continued).		(b) To borrow \$200,000 from Dominion Government to erect wing to Royal Alexandra Hospital. Not in 1931 Consolidation.
1920, c. 42, s. 24.		Income Tax provisions to remain in force for collection purposes. Not in 1931 Consolidation.
1920, c. 42, s. 25.		Council empowered to pay grant out of current revenue to General Hospital for 5 year period. Not in 1931 Consolidation.
1921, c. 74, s. 12.		Validates By-law 42, 1920. Not in 1931 Consolidation.
1921, c. 74, s. 13.	1928, c. 77, s. 6a.	Council may direct assessment of utilities. REPEALED.
1921, c. 74, s. 16.	1928, c. 77, s. 12.	Service Tax Provisions. Sec. 359A in 1931 Consolidation.
(2)		
(3)	1922, c. 90, s. 24 (1). 1924, c. 42, s. 12 (1).	
(4)	1925, c. 65, s. 2 (1).	
(5)	1922, c. 90, s. 24 (2). 1924, c. 42, s. 12 (2), (3). 1930, c. 65, s. 12.	
(7)	1925, c. 65, s. 2 (2).	
(11)	1924, c. 42, s. 12 (4). 1925, c. 65, s. 2 (3).	
1921, c. 74, s. 17.		Empowers Council to cancel unsold gold notes authorized to be issued under By-laws 42, 1920, and 45, 1920, to issue consolidated debentures to the amount of unissued debentures authorized under By-laws 526, 549, 551, 561, 563, 574, 581, 590, 664, 665, 666, 667, 669, No. 12, 1918; and to release debentures issued under By-laws 578 and 579 pledged with Imperial Bank as security for gold notes issued under authority of said By-laws 42 and 45, 1920. Not in 1931 Consolidation.
(3)	REPEALED, 1922, 90, s. 23 (3). See also 1922, c. 90, s. 23.	
1922, c. 90, s. 15.		Council may direct Assessor not to assess Tax Sale lands. Sec. 323A, 1931 Consolidation.

SECTION NUMBER	AMENDMENTS	REMARKS
1922, c. 90, s. 16.	1929, c. 69, s. 1 (11).	City right to protect lands subject to tax Caveat from waste. Sec. 388C, 1931 Consolidation.
1922, c. 90, s. 17.		Sanitary Tax for cleaning privies authorized. Sec. 221C, 1931 Consolidation.
1922, c. 90, s. 18.		Council empowered to declare certain conditions a nuisance. Sec. 221H, 1931 Consolidation.
1922, c. 90, s. 20.	REPEALED IN PART, 1930, c. 65, s. 15 (1).	Council, may when debentures issued for shorter period than lifetime of works concerned, spread indebtedness over period based on lifetime of works. Not in 1931 Consolidation.
1922, c. 90, s. 22.		Wadhurst Park Sewer Adjustment. Not in 1931 Consolidation.
1922, c. 90, s. 23.		Adjustment of capital account, between, under or over expenditure, by issue of Consolidated Debentures See 1921, c. 74, s. 17. Not in 1931 Consolidation.
1923, c. 63, s. 4.		Special authority to borrow not exceeding \$175,000.00 in 1923 to create fund for working capital for public utilities for that year. Not in 1931 Consolidation.
1923, c. 63, s. 17.		Re Plebiscite to elect Mayor from Council. Section 16A in 1931 Consolidation.
1923, c. 63, s. 18.		Validates By-law No. 2, 1923. Not in 1931 Consolidation.
1924, c. 42, s. 2.		Council empowered to borrow not exceeding \$100,000.00 per year in 1924, 1925 and 1926, to pay off maturing serial debentures of Edmonton Public and Separate School Boards. Not in 1931 Consolidation.

SECTION NUMBER	AMENDMENTS	REMARKS
1924, c. 42, s. 3.	1931, c. 83, s. 8.	Council empowered to borrow money for improving public works, including bridges, without assent of burgesses. Sec. 296A, 1931 Consolidation.
1924, c. 42, s. 4.		Council empowered to adopt previous year's assessment roll and fix procedure for preparation assessment roll. Sec. 322A, 1931 Consolidation.
1924, c. 42, s. 5.		Council empowered to issue refunding Debentures to liquidate existing debentures in case of shortage in Sinking Fund. Sec. 296B, 1931 Consolidation.
1924, c. 42, s. 6.		Validates By-law 35, 1922, renumbered 4, 1923; and Nos. 20, 21, 25, 40, 42, 53 and 54, all 1923.
1924, c. 42, s. 7.		Council empowered to issue special debentures on security of Tax Sale Lands. Sec. 296C, 1931 Consolidation.
1924, c. 42, s. 8.		Council empowered to impose tax on householders. Sec. 221E, 1931 Consolidation.
1924, c. 42, s. 9.		Council empowered to levy annual tax of \$10.00 against persons otherwise not taxed. Sec. 221F, 1931 Consolidation.
1924, c. 42, s. 10.		Council empowered to impose Motor Vehicle Tax on resident owners. Sec. 221G, 1931 Consolidation.
1924, c. 42, s. 11.		Council may license resident owners of horse, mare, mule or jack. Sec. 221D, 1931 Consolidation.
1924, c. 42, s. 15.	See also 1918, c. 52, s. 38. Not in 1931 Consolidation.	Council empowered to enter into Tax Arrears Agreements. Sec. 388A in 1931 Consolidation.

SECTION NUMBER	AMENDMENTS	REMARKS
1924, c. 42, s. 16.	1925, c. 65, s. 1 (10).	Sections 14 to 21 of Tax Recovery Act, 1922, not to apply to City. Sec. 388B, 1931 Consolidation.
1925, c. 65, s. 3.		Validates By-laws Nos. 2, 58, 59, 60, 61, 62, 75, and 84, all of 1924. Not in 1931 Consolidation.
1925, c. 65, s. 4.	1926, c. 76, ss. 18, 19. 1929, c. 69, s. 6.	City empowered to issue debentures Series A and B to amount of \$5,250,000.00 to be used to repay certain debentures charged on arrears of taxes for 1920, and prior thereto; moneys collected from arrears of taxes outstanding at 31st Dec., 1924, and proceeds tax sale lands to be applied towards redemption said debentures Series A and B. See also 1926, c. 76, s. 19. Not in 1931 Consolidation.
1926, c. 76, s. 19.		Council empowered to issue Series "B" debentures referred to in 1925, c. 65, s. 4. in instalments and change rate of interest. Not in 1931 Consolidation.
1926, c. 76, s. 20.		City empowered to use \$90,000.00 surplus raised by debentures issued under By-law 76, 1924, for share cost of 101st St. Subway towards cost of 109th St. Subway or 97th St. Subway, and to use \$33,000.00 raised by debentures issued under By-law 77, 1924, for 109th St. Subway. Not in 1931 Consolidation.
1926, c. 76, s. 22.		Validates By-laws 48, 52 and 53, 1925; and 2, 3, 4, 5 and 6, 1926. Not in 1931 Consolidation.
1928, c. 76, s. 8.		Proportional Representation abolished and old system re-introduced. Not in 1931 Consolidation.
1929, c. 69, s. 2.		Council empowered to fix date for destruction of noxious weeds; Sec. 221A, 1931 Consolidation.

SECTION NUMBER	AMENDMENTS	REMARKS
1929, c. 69, s. 3.		Re Hudson's Bay Golf Course. Not in 1931 Consolidation.
1929, c. 69, s. 5.		Validates By-laws Nos. 42, 43, 45, 46 and 47, 1928. Not in 1931 Consolidation.
1930, c. 65, s. 2.		Constitution of the Local Board of Health. Sec. 231B, 1931 Consolidation.
1930, c. 65, s. 3:	1931, c. 83, s. 7.	Council empowered to alter date of election of Mayor, Aldermen and School Trustees. Sec. 27A, 1931 Consolidation.
1930, c. 65, s. 8.		Council empowered to alter Provincial Traffic Law in certain respects. Sec. 221J, 1931 Consolidation.
1930, c. 65, s. 13.		Council may proceed with 95th and 124th Streets widening during 1930, 1931 or 1932. Not in 1931 Consolidation.
1930, c. 65, s. 14.		Validates By-laws Nos. 59, 64, 66, 67 and 68, 1929. Not in 1931 Consolidation.
1930, c. 65, s. 15.		Council empowered to make provision for repayment at maturity of debentures issued under authority of various by-laws, including those relating to Exhibition Buildings, Civic Block, High Level Bridge, Jasper Avenue Subway, etc. REPEALS, 1922, c. 90, s. 20; and By-law 46, 1922, re-numbered No. 2, 1923. Not in 1931 Consolidation.
1931, c. 83, s. 10.		Validates By-laws 47, 52, 53 and 58, 1930. Not in 1931 Consolidation.
1931, c. 83, s. 13.		Council empowered to License Grocers. Sec. 233A, 1931 Consolidation.

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